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INCLUDING

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by Geoffrey Burgess

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by Saiyid M. Hamid

Community Development and Development Planning
by A. R. G. Prosser

Local Government in Brazil
by Harold H. Alderfer

BOOK REVIEWS
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Editor's Notes

THROUGHOUT the world, but particularly in developing countries, there is presently much debate on whether the role of the administrator in the public service should be that of "generalist" or "specialist". Few today would question the need for the administrator to possess more specialised knowledge than his predecessors of a generation ago and many, among them contributors to this Journal, have suggested that the generalist's day is done. Mr. Geoffrey Burgess' article on Public Administration appears, therefore, at an appropriate time for his subject is that of technical assistance to developing countries in this field. Critically, but pertinently, he begins with the era of the "Renaissance Man", the eminent generalist adviser who proffered broad simple solutions to local problems, feeling "as little need to convince in writing of his expertise as to justify his solution". Next came the phase of sub-specialists and a flood of advice in depth. Mr. Burgess proceeds to develop the "project approach" theme for the provision both of assistance and advice, co-ordinated as a team effort on an integrated basis to meet the requirements of each particular project. There is no complacency about his proposals and a warning is given not to ignore the disadvantages of the system which he suggests. There may be a lesson here for donors as well as for recipients, and part of the value of Mr. Burgess' contribution may be in making it clear that no one can provide a universal blue print for model public administration, applicable from land to land.

Few, if any, developing countries have progressed as far as Pakistan in the provision of administrative in-service training for the Public Service. Mr. Saiyid Hamid sets out the Pakistan system with admirable clarity and directs his enquiry at the difficulties encountered in obtaining a smooth flow of the right men to the right courses – a difficulty that must be common to many countries. We believe that Mr. Hamid's article may provide valuable food for thought for the generality of administrative trainers and trainees overseas, and to those policy makers in government departments who decide who shall be trained, where, and by whom.

An ever increasing proportion of the world's population now lives in urban areas, thus presenting local authorities with an immense complexity of problems, physical, social and financial. Nowhere is this more apparent than in Brazil, and we welcome the opportunity to publish the first of two articles on Latin America by Professor Alderfer, in which he describes the situation that has emerged since the introduction of the 1967 Brazilian Constitution. Attention is particularly drawn to San Paulo whose five and a quarter million population includes nearly one and a half million added in a period of only eight years, and also to the City State of Guanabara where a new system of regional administration has recently been introduced after the people of Rio de Janeiro voted against dividing the new state into municipalities.

Dr. James is concerned with the heavily populated municipalities of

Andhra Pradesh in his study of four Indian urban government systems. Each "plan" tried out has had its "pros" and "cons". The basic need, as Dr. James concludes, is to secure a satisfactory relationship between elected members and their municipal officers, and to ensure an adequate division between the policy making and executive processes. If these problems can be satisfactorily resolved, it would seem that a variety of systems can be made to operate effectively.

From the urban problems of Asia and South America, to the small state of Swaziland with its capital holding no more than 14,000 people, is a far cry. But local government problems abound there also as Mr. Dening points out in describing the recent legislative reforms whereby urban local government in Swaziland is now being modernized, while plans for the rural areas remain in abeyance for reasons which he explains.

In contrast to the problems of urban adminstration, the article on Community Development and Planning by Mr. Prosser turns to popular participation in development projects at rural level. He recounts the impressive record of successful self-help projects in Kenya (conservatively valued at almost £Ktwo million in 1967), as evidence of what can be achieved by a co-ordinated inter-departmental approach backed by public goodwill. There will be general support for his belief that one way to promote rural development is by "the firm association of community development, in its broadest sense, with local authorities".

* * *

An index has been prepared covering all articles published in this Journal since it was first produced as the Journal of African Administration in 1949 up to the end of 1968. Readers who would be interested in obtaining a copy of this index are asked to write to the Editor at the Ministry of Overseas Development, Eland House, Stag Place, London, SW1.

* * *

LORD HAILEY

We record with deep regret the death on 2nd June of Lord Hailey, a great public administrator who gave much personal encouragement to this *Journal* in its early days as wise Counsellor and good friend and as a contributor to our pages. We hope to publish an appreciation of Lord Hailey in our next issue.

Multilateral Assistance in Public Administration The "Project Approach"

By GEOFFREY BURGESS

Mr. Burgess is a Public Administration Consultant with wide overseas experience.

TECHNICAL assistance, that thriving infant of the postwar years whose birth was welcomed with equal optimism by potential providers and potential recipients of assistance, has now come of age. As so often happens at this stage of an infant's life, its begetters are turning from unquestioned approval of their off-spring to an anxious investigation of its capacity to survive and to earn its way in an unsympathetic world. Consequently assessment of the efficacy of past technical assistance now rivals its future provision as a talking point in technical assistance circles and as a discussion point in relevant professional literature. Acceptance of technical assistance in the form hitherto provided, as a potential panacea for the administrative ills of the developing countries, has been replaced by substantial scepticism about its value, and there is now a risk of there occurring the swing from total acceptance to total rejection which may result from a too theoretical and simplistic approach to an essentially practical and complicated problem. One by-product of the heart searching that has occurred has been the greater insistence on the merits of the integrated project as the only – or almost the only – appropriate vehicle for supplying assistance. The following paragraphs consider this insistence in a particular but important area of endeavour – public administration – starting with a deliberately critical – perhaps over-critical review of what has gone before.

In the early postwar years, technical assistance in the field of public administration tended to take the form of the descent on a "developing" country of a single, usually academic, but always prestigious figure. After a brief stay – often the period the great man could devote to solving the problems that disturbed a whole nation was limited "by prior commitments" to a few weeks or months – there emerged a report, usually prestigious to match its author. In this, sometimes in a few trenchant phrases, were outlined the problems which had over a period of decades puzzled the best administrative brains of the host country, together with the appropriate solutions. The reports were often mercifully brief. The great man felt as little need to convince in writing of his expertise as to justify his solutions. Such and such were the diagnosed ills; such and such were the indicated remedies. All that needed doing was to take the great man's word for it and swallow the medicine.

The diagnosis of the weaknesses and the advocacy of the indicated remedies frequently seemed to have the simple fervour and the simplistic analysis of

an old fashioned revivalist sermon. There were evil practices in public administration, nepotism, patronage and corruption. As a result evil (i.e., under trained or under qualified) men sat in the seats which the righteous (i.e. trained and merit-selected men) should occupy. The remedy was simple. Merit and virtue must be made to prevail in the selection, promotion and control of public servants, and those same political and professional leaders who had, in the seats of authority worked and profited by the old system, and those same community groups which had accepted or advocated it, should undergo a conversion and turn to the new faith. "Repent, repent and from old errors turn" frequently summarized the whole approach. A law to embody the new principles of virtue and an agency to urge their application were all that was required. Virtue should prevail, and if necessary law should make it prevail.

The result was to leave host governments, often genuinely anxious to secure improvements but struggling along with only a tenuous apparatus of administration and aware of the many and genuine obstacles to change created by environmental considerations, embarrassed by the appearance of reports which appeared to suggest that solutions were so simple to find and so easy to apply that failure to find and apply them could only be ascribeable to ambivalence, perversity or incompetence. A desire for reform, and the application of a few simple and obvious remedies were all that was required to bring about reform. The diagnosis and treatment resembled in their reassurance those of an old style family doctor treating a common cold: a little medicine and good nursing would certainly bring about a cure. The reports may still be found as a subject of mention in professional literature, but few are still regarded as a guideline for action in the countries for which they were intended. They reflected a complacent assumption that "advanced" countries either had solved or knew the answers to the problems of administration, an assumption that pays little attention to the unceasing ferment of debate and change which is occurring in those countries, of which the Fulton Report in the U.K. and the administrative changes being discussed in France provides recent evidence.

The next stage was less simplistic. The single prestigious father figure, with his insistence on the essential simplicity of problems and on the availability, if necessary by transfer from elsewhere, of solutions, was gradually replaced by a group of specialists. The age of the "Renaissance Man" in public administration was passing, and the age of the specialist (or rather sub-specialist if public administration is regarded as itself a specialist study) was coming in. The change followed the growing acceptance of public administration as an academic discipline and the evolution of areas of sub-specialization in the torrent of detailed literature resulting. As a result "developing" countries found the single, prestigious, omnicompetent, and locally somewhat transitory figure of past technical assistance replaced by a group (often a quite numerous group) of devoted enthusiastic sub-specialists, professionally inclined to be limited in their claimed area of competence, and consequently in their vision, and effort, but locally more durable.

The product of this phase was very different from that of the preceding phase, but was in many cases hardly less embarrassing to the host country.

There were less in the way of *ex cathedra* pronouncements; there was less apparent belief in the existence of simple remedies, in the transferability of experience and in the universality of doctrine; there was less tendency to "instant" judgement and a greater acceptance of a need for an ecological approach, involving investigation in depth into local conditions. But there were compensating disadvantages. There was firstly a risk, in many cases a substantial risk, of a continuing flood of advice beneath which the host administration might be submerged – the more so as there was in this stage a greater felt need among advisers to justify the value of the advice and the status of the adviser than had existed in earlier efforts.

An administrative machine which feels a need to call for advice is likely to have a limited capacity to implement advice and the more advice it calls for the less likely is it to be able to carry out what is received. Under the old system there had been a single possibly somewhat pontifical but chronologically limited quantum of relatively simple advice; under the new the host states were liable to be deluged by continuous streams of advice sometimes highly technical and sometimes ill related to the administrative sophistication locally achieved. The bigger the deluge, the smaller frequently the capacity of the indigenous machine to deal with it. The result was that advice tended to become a debased currency which could be squandered or more usually ignored.

Moreover that advice was different in quality. Under the old system, coming from a single source the advice had formed a coherent body providing a coherent system – a product of a single generalist often of international status and with multi-national experience. Under the new system a country might receive advice in each sub-speciality of public administration which depended largely on a national background – that of the adviser. Co-ordination into a coherent system of the advice tendered by the various advisers, if it occurred at all, occurred remotely and belatedly, and generally it did not occur at all. A host country could then receive *quanta* of advice from sub-specialist experts which seemed unsuitable to be integrated to form a coherent system, and which were sometimes discordant among themselves. In terms of cost benefit the new system seemed hardly more rewarding than the old. Some new device appeared necessary which would cure the transience in terms of impulsion and the ecological inadequacies of the first phase while not involving the failure to provide an internally coherent body of advice of the latter. The single cook of the first phase found difficulty in preparing a broth to satisfy local taste; the many of the latter had trouble not to fill it with discordant flavours.

It was in these circumstances that there developed the tendency to favour a "project" approach to the furnishing of technical assistance in the field of public administration. Projects had, of course, already existed and operated successfully in a number of technical fields. A "project" approach also existed in form in the use of teams of private consultants, which had played a prominent part in projects for administrative reform in a number of countries. But the "project", as a part of multilateral aid in the field of public administration introduced a generally new system to replace an older one. In the succeeding paragraphs the effect of the new approach on the provision and quality of assistance is examined.

The important word in the last sentence of the preceding paragraph is "assistance" as distinguished from mere advice. Aid could take, and in early days often had taken, the form of advice. On the other hand, aid can take the form of a more direct and continuing role as provider of an impulsion. The fact that projects were envisaged as operations continuing over a number of years and were not limited by such concepts as annual budgets and annual recruitment gave point to this. A project could have a basic purpose different from the solely advisory function of earlier aid. This did not mean that it had to be an "Open" type operation; in most cases it seemed possible and in all cases was desirable for the national operatives to undertake the responsibility of assessing the local appropriateness of advice, deciding on the steps to implement it and taking those steps. What the new approach permitted was an impulsion continuing over a period of years to process the advice and to prevent its neglect by overworked, over advised or uncomprehending national authorities. A national official, disinclined to implement but reluctant formally to reject advice, could no longer solve the problem by deferring action till the adviser's departure.

A project usually provides for the employment of a group of experts. The experts are usually specified in terms of their sub-specialities, an expert on in-service training, an expert in managerial training, an expert in recruitment policy, an expert in recruitment techniques, an expert in testing material, and so on. To this extent a project, if judged solely in terms of its staffing pattern, would seem to differ little from the groups of sub-specialists which had characterized the preceding phase of technical assistance. Such a judgement would however be incorrect.

A project, if effectively organized, provides in terms of the quantity of expertise it can mobilize, the quality of the advice it can tender, and the influence it can exert, more than the sum of its parts.

Despite the sub-specialization that has developed in the specialized field of public administration, most sub-specialists have a substantial general background in the speciality and a valuable general knowledge. While for a specified area of endeavour, for example testing techniques, a project may contain a single highly qualified specialist, it will also contain other experts whose own specialities border on the subject or who have an interest in and knowledge of general recruitment policies and practices. The specialized knowledge of the individual expert can thus be supported and supplemented by a large volume of relevant experience, possibly less specialized, but perhaps not less valuable for that.

Whether full use is made of this wider source of experience depends on the working methods adopted in the project. Use will be made of it if the project working is so organized that advice is tendered, not by individuals to individual counterparts, but as "project" advice injected into the national machine at an appropriately high national level. For this to happen requires that over large areas of the project's field, advice must be tendered on the basis of consensus after discussion inside the project. There are disadvantages arising from this, but before considering them, the advantages may be briefly indicated.

The first, the mobilization of the total expertise available in the project and its direction to the solution of every problem has been mentioned. The

second is the process by which, from this total expertise, is distilled advice locally most appropriate, which falls into a pattern of advice coherent within itself and outlining a coherent programme of action. Reference has been made to the earlier dispensation in which countries were recipients of streams of advice, unco-ordinated or remotely and belatedly co-ordinated, which on occasions reflected a restriction of experience to, or a bias in favour of, the administrative practices of the adviser's country of origin, and which would, if implemented, have left the host country with a patchwork of practices. The project permitted co-ordination of advice before it was tendered. In the process the risk of tendering advice in one sub-speciality inconsistent with, or only marginally consistent with advice tendered in another could be reduced. The three or four national administrative systems which have provided inspiration to countries developing their own systems all have substantial merits, all represent the fruit of intensive thought and action, and all are internally coherent. Any one might form an acceptable model. But an acceptable result is unlikely to be achieved if different sources are used as models in different areas, without a clear vision of the overall result.

A third advantage has been mentioned by implication. Advice from the project can be injected into the government machine at a higher level than advice from individual experts. Furthermore, the essential function of a project as an impulsion of action, rather than a mere purveyor of counsel, can be more effectively performed than can individually attempted impulsions. Blockages in accepting and implementing advice occur more readily at lower operative levels than at policy directing level and can be better overcome through the intervention of the national policy directors. A further advantage of concentration on a single channel of advice is that the rate of flow of advice can be regulated and the risk of submerging the national machinery under a torrent of counsel avoided. A final advantage is that a project is a joint operation to which the host state makes contributions of money, materials and sometimes men, often far from painless. To the host state a project is far from "free" in the sense that earlier assistance was "free" and there is consequently a greater feeling of participation and involvement in failure or success.

The advantages summarized in preceding paragraphs, a better mobilization of available expertise, a better integrated pattern of advice and a capacity to ensure better receptivity for advice are substantial. At the same time the change to a "project" approach is not without disadvantages. The concept involves discussion, and if possible consensus among the experts of most matters of any note. Consensus among groups with markedly different views and backgrounds and often with marked individualities is usually achievable only at a price and may in fact, not be achievable at all in some matters.

In the first place the search for consensus involves a great deal of committee work and committee discussion. It requires specialists (or sub-specialists) to devote time to areas outside their speciality, which there may be reluctance to do. It also requires specialists (or sub-specialists) to listen to and consider the views of persons who do not share in the sub-speciality, which, sub-specialists being as they are, there is frequently even more reluctance to do. It is easy to attack as time consuming and time wasting a system where many problems are discussed by persons not immediately

directly involved in the solution of those problems. It is easy for "experts" to feel hurt at discussion of "their" problems by others; it is equally easy for them to resent "interference" or "criticism" by others.

In recent years an interesting development in the literature of public administration has been the effort devoted to illuminating the effect of the behavioural patterns of the administered on the processes of administration. A similar effort devoted to the behavioural patterns of purveyors of advice might be profitable for they affect "projects" in a number of ways. Experts differ in discussion in the degree of their assertiveness and combativeness and the final selection of a project point-of-view may depend less on the merits of the arguments or soundness of the recommendations than on the pertinacity and conviction of the arguers. Further, there is a risk that the views that emerge from discussion may be neither the best nor the best argued but the view for which the maximum degree of consensus can be secured with the least trouble or delay. It may be excessively colourless and careful; it may reflect a particular temperament of a single dominating expert more than a real joint approach.

The swing of opinion in favour of the project approach in connection with the provision of technical assistance in the field of public administration is indicated by the programmes of the United Nations technical assistance authorities for 1969 and 1970 which appear to indicate acceptance of the new approach. The basis on which acceptance has been reached, assuming it has been reached, is not indicated. In fact there have hitherto been few "projects" in that particular field which have advanced sufficiently to provide a basis for a definitive judgement. The considerations advanced in earlier paragraphs suggest that there needs be a careful assessment and balancing of advantages and disadvantages as they emerge in the course of operations before judgement is reached. This does not mean that the "project" approach is wrong or should not be developed. In the long run, an assessment can only be based on performance, not solely on analysis, and mere continuance of the systems favoured in earlier phases of technical assistance does not provide a currently plausible alternative policy. What the considerations suggest, however, is that there should be a realization that a new approach is newly under trial, not that a new solution has been newly found; that there should be a scrupulous avoidance of optimism based on expectation rather than on achievement, and lastly a distrust of the easy universal solution. In the final resort, the conclusion may well be reached that in most positions the "project" approach offers, in terms of cost effectiveness, the most attractive device. What ought still to be avoided as premature is a firm conviction that in all positions it provides the only one.

There are a number of considerations which should be borne in mind by those responsible for the form or make up of a particular project. In all past phases of technical assistance greater attention has been given to a desire – expressed in a request – for advice, than has been given to the capacity to utilize advice; it is this which, perhaps more than any other single aspect, explains the frustration that has developed among the receivers as among the givers of advice. It is possible to pursue further the medical analogy already used. Medical success consists not simply in prescribing a treatment for an illness, but in selecting the treatment which is appropriate to the degree of

sickness of the particular invalid. Provision of liquid is a necessity for a man dying of thirst; too rapid provision of liquid may in his weakened condition, kill him. A "drastic" remedy may be prescribed for a robust patient which would kill one more feeble. A "project" approach to the solution of the administrative problems of a country must bear in mind – prominently and continuously – the capacity of the host country to deal with advice.

It is not wise to assume that a "project" approach is always feasible. Such an approach assumes a capacity in the host government to assimilate, and in the local machinery to implement, a flow of advice in a number of areas. This capacity is not always present certainly in the field of public administration. It assumes a degree of initial administrative infrastructure sufficient for the building operations for a superstructure of some complexity and variety, to be commenced. This infrastructure may not exist. In a Civil Service System, for example, where there has not yet developed a clear "structure" of the services and a clear concept of promotion, there is little urgency in collecting the reserve of testing material essential in a more developed system. In a service where an orderly flow of work does not exist with powers and duties attached to posts by an orderly process of delegation and exercised in accordance with clearly recorded principles, attempts to start training in work systems are premature. Where there is no accepted working system, a systematic approach to the review and improvements of systems is impossible. "Projects" must not in an access of enthusiasm overlook an unavoidable sequentiality of action that may be imposed by environmental conditions. There is nothing worse for a project than to bring prematurely to a host country experts for whom conditions for effective contribution do not yet exist; it debases the currency of technical assistance both among the experts and among the national staff. The capacity of a project to ration the flow of advice has been mentioned among the advantages of the project approach. The possible existence of a dominating need to do so must not be overlooked by those responsible for the programming and staffing patterns of projects.

It may well be that the difficulties mentioned above are limited to – or are an important matter only in – "projects" in public administration, which are most likely to cover broad areas of general public policy. In more technically oriented projects, the difficulties may be less, because there is less diversity in professional views. Even in some of these, however, factors which limit projects in public administration may be equally limiting, particularly where the project includes a substantial "administrative" ingredient. Geological surveys, land and water surveys, which are related to the general administrative competence of the host country may find the difficulties inherent in a public administration project extend to themselves.

It is well to repeat that the purpose of this paper is not to suggest that the "project" approach is ineffective, or that the present tendency to increase its scope is wrong. On the contrary the writer's view is that in a majority of positions it is right, if subject to right work organization. What is important however, is that the disadvantages inherent in the "project" approach, some of which are indicated above, are not ignored and that any tendency to regard the "project" approach as a final and complete answer, in mathematical terms the necessary and sufficient answer, to the problem of providing tech-

nical assistance in public administration is firmly resisted. It may well be the best approach in most areas; it may well be the only potentially successful approach in some areas. But it requires a realistic fact-based assessment, and the rejection of any tendency to assume the perfect solution which has accompanied efforts in the past.

Administrative In-Service Training in Pakistan

By SAIYID M. HAMID

National Institute of Public Administration, Karachi.

Introduction

Abraham Lincoln once said, "The time you take to sharpen your axe is worth twenty times that of hacking away with a blunt instrument." Training is like sharpening an axe and an untrained person is no better than a blunt instrument.

The Vienna Congress of the International Institute of Administrative Sciences (IIAS) was of the view that "In-service training of significant scope and depth is generally lacking in the highly industrialized countries, as well as in the new and developing countries." Similarly, a report, prepared by the U.S. Agency for International Development, categorically said: "There is no government in which the extent and quality of training is commensurate with needs."[1]

In fact, training and re-training of public servants is essential as a continuing process because of the following factors:

(1) The rapid advances in industry and technology.
(2) The high rate of progress made in social, behavioural and administrative researches, that is, the explosion of knowledge.
(3) The changed status of the governments which were previously under the influence, or total control, of other foreign governments.

These and other factors have greatly enhanced the quantum and complexity of governmental activities. The expansion in governmental functions has, in turn, put a heavy demand on the public service. Public servants have to be trained at all levels to get the government's work done efficiently and economically. The question that remains is of identification, determination, and classification of the training need to help formulate a training programme. In other words, a study is made not to establish the need for training but to understand the nature and extent of the training required.

Policy in Pakistan

In Pakistan the fact that training is essential for every organization was recognized by the planners of the First Five-Year Plan. A thorough study of the Plan will show that one of its most important findings was that a serious limiting factor for development was trained manpower – more serious than even capital and foreign exchange! The Plan warned twelve years ago that "as the development programme expands, the country will still face a serious shortage of competent managerial and technical personnel.

[1] Lynton K. Caldwell, *Improving Public Service through Training* (A.I.D., Washington, D.C., 1962), P.V.

In many important areas this, rather than a shortage of capital resources or foreign exchange, will limit the rate of development. Taken as a whole, administrative deficiencies, procedures and attitudes will in our opinion offer the most serious obstacles in the way of accelerated development". The need for training cannot be emphasized more strongly than in the foregoing statement.

Apart from recognizing the need for administrative training, the Government of Pakistan has also been quick in realizing that training efforts will succeed only when *all* levels of public servants are given appropriate training. This can be judged from the fact that the government has, in collaboration with various foreign agencies and institutions, established a staff college as well as public administration institutes which are catering to the training needs of almost every level of public employment. A short description of these institutions is given below.

Secretariat Training Institute

At the lowest level, there is a Secretariat Training Institute (S.T.I.) which was set up in 1956 to train, primarily the superintendents and assistants in the Central Secretariat. However its scope has since widened. The S.T.I. is now responsible for the training of probationer and in-service section officers and other lower-level officers in the secretariat, attached departments, and armed forces headquarters. It is also responsible for the training of the ministerial staff (clerks, assistants and stenographers).

ORGANIZATION

The S.T.I. is an "attached" department of the Establishment Division of the Government of Pakistan and is headed by a Deputy Secretary designated as Director. The institute has its own full-time faculty drawn from government but invites guest-speakers also for specialized subjects. After the transfer of the Capital from Karachi to Islamabad, S.T.I. has opened a regular division at Islamabad while the main institute remains at Karachi.

PARTICIPANTS

The annual intake of the S.T.I. is about 400 trainees. It has so far trained over 4,500 employees, including 350 in-service and 175 pre-service section officers, 900 superintendents and assistants, 250 personal assistants, private secretaries, and stenographers, and 2,250 stenotypists. The courses held were both full-time and part-time; in certain cases training programmes were organized after office hours.

CURRICULA

The S.T.I. trains a wide variety of government employees, and therefore the duration of its various courses and curricula also vary. While the probationary section officers are at the S.T.I. for the whole year on a full time basis, certain other categories of officers receive training for two weeks only and that too on a part-time basis. However, the emphasis in the training programmes of the S.T.I. is on basic knowledge of organization and functions of government, rules, regulations, and secretariat instructions.

National Institutes of Public Administration

ORGANIZATION

Three National Institutes of Public Administration (NIPAs), at Dacca, Karachi, and Lahore, were established in 1961.

The NIPAs are semi-autonomous bodies with three separate Boards of Governors. NIPA, Karachi, is "under" the Central Government while NIPA, Lahore, and NIPA, Dacca, are "under" the Governments of West and East Pakistan respectively and all of them receive grants from their Governments to cover their entire running expenses. The U.S. Agency for International Development provided them with the initial advisory and technical assistance. Now they are self-sufficient and each has its own permanent campus.

By tradition the Directors of the NIPAs have all been very senior members of the Civil Service of Pakistan. (The C.S.P. is considered to be the most prestigious Government service). These institutes have well qualified instructional staff on their respective faculties. However, they are reinforced by visiting lecturers who are specialists in their own fields, the majority of these are practising administrators with experience in planning, decision making, and executive functions.

PARTICIPANTS

The principal function of these institutes is to provide in-service training for the middle level officers in the Central and Provincial Governments, local bodies, and public corporations.

The Courses are mainly intended for the middle level officers who have put in eight to fourteen years of Class I service.[2]

COURSES AND CURRICULA

Each NIPA holds two advanced courses in Administration and Development and two other short courses each year. In the advanced courses the subjects covered are: introduction to public administration; structure and functions of government; processes of management; management analysis; human relations; economic and social development; financial administration; personnel administration. The short courses generally concentrate on management analysis, human relations, public relations, budgetary procedures, and the like. Seminars and conferences are organized on national and international bases on such topics as urbanization, public enterprises, municipal administration, metropolitan area problems, project preparation, cost-benefit analysis, managerial training, financial management for development.

[2] The priority set was: (i) senior deputy secretaries, deputy commissioners, etc., likely to be considered for promotion to joint secretaries, commissioners, or equivalent rank; (ii) deputy secretaries, deputy commissioners, or officers of equivalent rank more or less in order of seniority; and (iii) senior assistant commissioners, etc., likely to be considered for promotion to the rank of deputy commissioner or a post of equivalent rank.

NIPAs have however, organized courses for the officers of various agencies and "services", e.g. customs officers, audit and accounts officers, officers of the Chief Controller of Imports and Exports, foreign advisers and their families in Pakistan, people's representatives (basic democrats), participants from other countries, viz., Iran, Turkey & Malaysia. For those attending these special courses the conditions of Class I service and appropriate seniority are generally relaxed.

Proceedings of these conferences are invariably published by the NIPAs for wider circulation.

NIPAs have trained 2,767 officers from 1961 to 1967, the breakdown of which is given in the following table.

Number of Officers Trained at NIPAs by Type of Courses (1961–1967)*

	Advanced Management Courses (12–14 weeks)	Short Specialised Courses (1–4 weeks)	Seminars & Conferences (3–5 days)	Total
NIPA Karachi	193 (11)	414 (20)	359 (8)	966 (39)
NIPA Lahore	323 (14)	445 (20)	320 (9)	1088 (43)
NIPA Dacca	234 (11)	245 (14)	234 (6)	713 (31)
Total	750 (36)	1104 (54)	913 (23)	2767 (113)

Source: Robert Abramson, *Basic Data: USC Pakistan Public Administration Project* 1960–1967, mimeographed, December 1967. Table 13.A.
*Figures in parentheses show the number of courses held.

METHODS USED

The training programmes at the NIPAs are conducted in a manner tailored to the level and status of the participants. Training is imparted more through "participative" methods than through formal classroom lectures. The training methods include research syndicates, tutorials, panel discussions, symposia and study tours, besides lectures and classroom exercises.

Research syndicate technique allows opportunities of field research by participants divided into groups of five to seven members. Each group forms a syndicate and selects, in consultation with the instructor, a topic of current significance in public administration. These topics reflect genuine problems for which the participants are expected to find solutions by group effort in collecting information and analysing it critically. Every syndicate report is presented to the whole class by the group concerned for discussion and critical evaluation. The best of these reports are published by NIPAs in book form.

Tutorials form an important part of the advanced courses. The particular purpose of this technique is to develop the ability of the participants to conduct library research. Each participant is assigned a theme relevant to development and administration and is required to undertake individual library research under the supervision of an instructor and to present his final report to the tutorial group.

Up to three weeks are spent on local and regional study tours with the object of relating classroom exercises to the actual conditions prevailing in the country. On such tours the participants visit various local projects as well as more general major projects in selected regions of East and West Pakistan.

Here they study the impacts of economic and social development of these regions (or projects) on the national economy; and also discuss difficulties and problems experienced by various agencies in the execution of their development programmes. This part of the programme also provides participants with first hand information about the private sector activities.

In a typical advanced management course of twelve weeks organized by NIPA, Karachi, the work programme was distributed as follows.[3]

Method	*Hours*	*Per cent of total hours*
Lectures & Discussions	130	39.0
Study Tours	77	23.1
Research Syndicates	31	9.3
Tutorials	28	8.4
Seminars & Symposia	23	6.9
Panel Discussions	4	1.2
Study Hours	26	7.8
Individual Counselling	8	2.4
Administrative Formalities	6	1.8
	333	100.0

There are other institutions imparting in-service training to the middle-level officers, like the Academies for Rural Development and Basic Democracies Training Institutes. But they do not necessarily give administrative training; they provide training in rural development and other specialized subjects.

Pakistan Administrative Staff College

ORGANIZATION

The College, like the NIPAs, is a semi-autonomous body and is controlled by a Board of Governors with the President of Pakistan as Patron-in-Chief. The Principal of the College has always been a very senior member of the Civil Service of Pakistan and is equivalent in status to a Secretary to the Central Government. The College has a small but highly qualified directing staff called "members of sessions", who help the trainees in the guided discussions and syndicate researches. Various outside speakers, who are distinguished persons in their respective fields, are also invited frequently. Ministers, secretaries to government, and managing directors and general managers of industrial and commercial establishments give talks at the College from time to time. One of the distinguishing features of this College is its residential character. Every trainee is *required* to live on the Campus.

The College was fortunate to have secured, from the very beginning, the collaboration of the two internationally reputed training institutions, namely, the Administrative Staff College at Henley-on-Thames (England) and the Maxwell School of Citizenship and Public Affairs (U.S.A.). Sir Noel Hall and Dean Harlan Cleveland helped the Government of Pakistan in designing the College. The Ford Foundation helped financially in the procurement of equipment, books, and foreign advisory personnel.

[3] Computed from data in Saiyid M. Hamid, "Sixth Advanced Management Course in Development and Administration: An Assessment", "*NIPA Journal*", Vol. IV (1965), p. 223.

PARTICIPANTS

The Institution is intended for the training of top-level administrators[4]. The College was set up in December, 1960, in Lahore.

COURSES AND CURRICULA

The College runs every year two regular sessions of thirteen weeks each, besides occasional short courses and special sessions for Regional Co-operation for Development countries, i.e., Iran, Turkey, and Pakistan. The subjects included in the regular training programmes are: (1) general administration which is covered in five parts – organization structure, personnel administration, budgeting and financial control, human relations, and principles and techniques of planning; (2) seminars and foundation lectures in seven areas – ideology of Pakistan, development economics, scientific outlook, sociology, psychology, development administration seminar, and development economics seminar; (3) programme administration covering five fields – education, agriculture, industry, social welfare, and local government and basic democracies; and (4) organization in action and the role of the administration. Besides these, the "members of sessions" also undertake group studies on two selected topics and field research in two selected areas of administration in East and West Pakistan.

Although syndicate method of training is mostly relied upon, other techniques, namely, lecture – discussion, seminars, field research, case studies, and film strip discussions, are also used in all training programmes at the Staff College.

The College has trained 450 administrators through its regular programmes while another 315 attended other seminars and conferences up to April, 1968.

Co-ordination of Administrative Training

For a better co-ordination of policies and programmes of in-service training, the Government has constituted a National Administrative Training Council with a Central Cabinet Member as its Chairman and the members being the secretaries of the Finance, Education, and Establishment Divisions of the Central Government, the Chief Secretaries of the two Provincial Governments, the Principal of the Pakistan Administrative Staff College, and the Director of the Civil Service Academy.[5] The Council frames training policies including the ones on inter-governmental training programmes, and also watches its progress. The Establishment Division of the Central Government and the regular meetings of the heads of the training institutions help in co-ordinating the execution of the various training programmes.

[4] The priority set was: (i) joint secretaries and officers of equivalent status who are likely to be considered for secretaryship or posts of equivalent rank; (ii) joint secretaries and officers of equivalent rank as far as possible in order of seniority; and (iii) senior deputy secretaries and deputy commissioners or officers of equivalent rank likely to be considered for promotion to the rank of joint secretary or its equivalent. Besides the government executives, the College also provides places for the private sector for participants from foreign countries. The normal composition of members in each session is: Central Government—9 (28 agencies have participated up to 1966); West Pak. Govt.—6 (20 agencies have participated up to 1966); East Pak. Govt.—6 (21 agencies have participated up to 1966); Public Corporations—3 (19 agencies have participated up to 1966); Private Sector—6 (36 agencies have participated up to 1966); Foreign Countries—4 (Ghana, Iran, Nigeria, the Philippines, and Turkey have participated).

[5] The Civil Service Academy is a pre-service (probationers) training institution for the members of the *Civil Service of Pakistan* and the *Foreign Service of Pakistan*.

Incentives for Training

Milton Hall, an authority on personnel administration, once said, "only the learner can do the learning. Training is not something that can be merely administered to or injected into employees: it requires their interested response and active participation."[6] Ability and willingness are, therefore, essential for the training and development of public servants. However, many a time, they have to be motivated. The Government has been aware of this fact from the very beginning and has used both positive and negative sanctions to motivate employees to participate in the training programmes. Some of these incentives are mentioned below.

A communique issued by the Governors' Conference on October 23, 1961, said, "It was also agreed that in order to ensure that the available training facilities were fully utilized, after some years, training should become a condition for promotion and retention of rank." (The Conference was chaired by the President of Pakistan).

Another incentive can be found in the statement of the Chairman of the National Administrative Training Council: "Recently, after a review of the progress of in-service training, Government has decided that only those officers who have gone through a regular training course at the Pakistan Administrative Staff College or one of the NIPAs will be considered for an appropriate foreign training course in the subjects of Public Administration and Development Economics."[7]

The Government has, through a directive, ensured that an officer who is sent for training is not transferred from his post because it could mean great inconvenience to the trainee after return.

Despite these incentives, the training institutions have been experiencing difficulties in getting suitable trainees for their programmes. This is a three dimensional problem and can be examined from the viewpoints of (1) the officers to be trained, (2) the agencies to which they belong, and (3) the training institutions.

Officers' Problems

The major problems relating to the would-be trainees can be summed up as follows:

(*a*) *Fear of the Unknown*

In-service training in this country does not have a long history. Government employees and officers, with a few exceptions, have never been subjected to any in-service training with the result that they do not have a clear concept of what is involved. After talking to several hundred trainees who came to NIPA, Karachi, during the past few years, it was found that when the nominations for their training were made many of them were totally or at least partially ignorant of the purpose, content, and methodology of the training programmes at the NIPAs. Almost all of them had the fear of the unknown. This may not be true of the Staff College trainees because the number of top

[6] Milton Hall, "Introduction," in *Employee Training in the Public Service* (Chicago: Civil Service Assembly, 1941), p. 3.

[7] Kazi Anwarul Haq, "Importance of In-Service Training," *NIPA Journal*, Vol. V (1966), p. 224.

level officers is relatively small and perhaps they watch the working of the College more closely than the middle level officers do the NIPAs.

(*b*) *Firm Belief in the Art of Administration*

"Administration cannot be taught" is the slogan of a group of officers. They look down upon training, particularly if it is organized by an outside agency. They believe, at least they pretend to believe, that every administrative problem can be solved artfully for which intelligence is all that is required. Experience on the job is also generally conceded as a desirable qualification. This group tends to discount the teaching of the techniques and science of administration by outsiders.

(*c*) *Resistance to Dislocation*

Some officers do not like to be disturbed from their settled routine life in office and at home.

(*d*) *Inadequate Material Incentives*

The trainees have invariably complained that the allowances and other incentives given to them are not adequate. Sometimes the timing is such that it conflicts with organized departmental work.

(*e*) *Ex-Participants' Distorted Version*

Some of the participants, though not many, in order to impress their office colleagues give a highly exaggerated and even distorted account of the discipline, "regimentation", and work load at the NIPAs, and thus scare the prospective trainees.

Organizational Barriers

More serious obstacles come from the departments where the prospective trainees work. Too often the head of an office is reluctant to release his best men for even a short period of time because it increases the work load on remaining personnel and on himself. These heads of the departments do not consider training as a good investment because the dividends, they think, and perhaps rightly so, that the training benefits are generally enjoyed by their successors as they themselves are subject to frequent transfers. Lack of support from the top adversely affects the readiness of subordinate officers to volunteer for training. As Lynton K. Caldwell has said "Lower level officials take their cues from the higher administrative levels. Unless training is taken seriously at the top of the government service, it will not be taken seriously elsewhere."

Problems of the Training Institutions[8]

NIPA, Karachi, is in a disadvantageous position in being away from the central and the provincial capitals. Contact with the ministries and the departments of the central and provincial governments is remote. This results in dependence on official channel communications and often delays the process of nominating candidates for courses. Further, for the quota fixed for the civil service, police service etc., NIPA has to approach, often in vain, the Establishment Division of the central government. The overlapping

[8] This section is based on the author's experience at NIPA, Karachi.

jurisdiction of the PASC, NIPAs and STI create another problem. Invariably, indeed inevitably, officers prefer to go to the higher institute of training. Deputy Secretaries prefer the PASC although they can go to NIPAs. Similarly, senior Section Officers seek nominations to the NIPAs although they can go to STI. Thus STI very rarely gets Section Officers of considerable seniority.

Some Possible Remedies

(1) NIPAs should prepare attractive publicity material giving the salient features of the purpose, content and methods of the various training programmes and should have these distributed to all prospective candidates.

(2) The programme officers should visit the various agencies to "sell" their programme.

(3) Part-time training within the agency premises should be organized so that trainees do not have to leave their jobs or families, even temporarily.

(4) A list of those agencies which have not participated in any of the training programmes should be prepared, and a meeting with their heads should be arranged by the Directors of NIPAs to find out and overcome their difficulties.

(5) There should be financial provision in the budget for temporary staff so as to encourage heads of departments to release their officers for training.

Conclusions

The training policies, facilities and programme for public service in Pakistan are well designed. The training institutions are developing not only the officers who enrol there but in a very subtle manner they are also imparting training to the senior executives who are invited as guest-speakers to address the participants. Many of these guest speakers have said that they gain a very great deal from the discussions which follow their talks.

Another very useful by-product of training is the literature on administration which is now being produced. Before the launching of the training programmes, there were hardly any good quality articles on administration and administrative problems available for general reading. Today, all the three NIPAs and the Staff Colleges are publishing quarterly journals[9] which contain academic as well as professional articles on management and allied subjects written by practising administrators and students of administration.

[9] These journals are: *Pakistan Administrative Staff College Quarterly* (Lahore); *NIPA Journal* (Karachi); *Public Administration Review* (Lahore); and *Administrative Science Review* (Dacca).

Local Government in Brazil

By HAROLD H. ALDERFER

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BRAZIL is a federal state. It consists of the national government, twenty-two states, three territories and one federal district (the capital city of the nation, Brazilia). The states and the territories, with the exception of the state of Guanabara (formerly the nation's capital city of Rio de Janeiro), are divided into municipalities (*municipios*). A municipality, following the Latin-American pattern, contains both urban and rural areas. As of January 7, 1967, there were 3,962 municipalities.[1] These are divided into sub-districts which are purely administrative.

Municipalities may be established and dissolved by state legislatures. One reason for their proliferation has been the fact that national subsidies are granted equally to all municipalities without regard to size, and an increase of municipalities brings more money into the states. However, it has been observed that the increase of municipalities has had some good results in that farmers have obtained better roads and the people more services, for the municipality, not the district, is the basic unit of local government in the eyes of the rural dwellers. There have been a number of "ghost" municipalities with no population, especially in the State of Amazon, but these have been unmade in recent years, and the overall number has become more or less stabilized.[2]

Brazil has more than eighty five million people. Fifty municipalities have more than 100,000 each, 208 have over 50,000 and there are six metropolitan areas totalling sixteen million. Trustworthy estimates indicate that by 1970 Brazil will be an urban nation with half of the population living in 755 urban communities each with a population exceeding 10,000. In 1966, Sao Paulo, Brazil's largest city, had 5,251,000, an increase of 1,400,000 since 1960, and is rated as the fastest growing city in the world today. The city-state of Guanabara, during the same six years, added 700,000 to jump its population to almost four million. Urban population is increasing at a rate of six per cent a year, rural areas three per cent. Almost unrestricted immigration has been attracting new residents from all over the world. Population-wise, Brazil is booming.

Constitutional Provisions

The new Constitution of Brazil, effective from March 15, 1967, maintains the federal system. The previous constitution of 1946 had been hailed as "municipalist" because of the attention it gave to local autonomy. Before that,

[1] *Jornal do Brazil*, January 7, 1967.
[2] Orlana M. Carvalao, *A Multiplicacao Dos Municipios em Minas Gerais*, Intituto Brazileiro de Administracao Municipal (IBAM), 1957.

back to 1822 when Brazil became independent from its mother country Portugal, local institutions of government were submerged for most of the time within a unitary government headed by a monarch or dictator. However, even within the federal system as it now exists, the national government has been increasing its dominance *vis-à-vis* the states and the municipalities, especially in the fields of finance, planning and public works.

For example, the new constitution provides that the national government may not render public assistance to states or municipalities unless a plan for the expenditure involved be submitted to the appropriate national office. In addition there is a time limit and a requirement for publication of accounts of expenditure in the official bulletin of the state.[3]

Likewise, the national government lays down the minimum requirements of population and revenue necessary for the establishment of municipalities which override those enacted by the states, and determines the procedure with which to find out the will of the people.[4]

One of the most interesting and key features of the federal system is the freedom with which the three levels of government may enter into agreement for the execution of their functions. The states may enter into agreement with the national government and the municipalities for carrying out their laws, services and decisions.[5]

Furthermore, states may enact legislation additional to that passed by the national government in such fields as economics, education, finance and police as long as it does not contravene national law.[6] Municipalities may enter into agreement with other municipalities.[7]

National intervention within the states is generally prohibited but with many exceptions. One of these is to maintain municipal autonomy, another that mayors and governors cannot be elected to succeed themselves in office.[8] On the other hand, states may intervene in the affairs of municipalities only where a municipality does not repay a loan guaranteed by the state, or fails to pay its debt liabilities for two consecutive years, or fails to render accounts as required by the state.[9]

According to the Constitution, municipal autonomy is assured through the direct election of the mayor (subject to the exceptions shown later), vice-mayor, and council members in the two-year period between national and state elections; and by their own power to levy and collect taxes, and to provide for public services.[10] A new provision is that municipal organization may be varied in the light of local conditions.[11] Also the number of council members is limited to twenty one, all elected by proportional representation.[12] Furthermore, the mayors of capital cities of the states vital to national security are now appointed by the governor, and the mayors of the municipalities vital to national security by the President. Only council members of capital

[3] The 1967 *Constitution of Brazil*, Chapter 3, Article 13, para. 5.
[4] *Ibid.*, para. 4.
[5] *Ibid.*, para. 3.
[6] *Ibid.*, chapter 2, Article 8, XVII.
[7] *Ibid.*, chapter 3, Article 16, para. 4.
[8] *Ibid.*, chapter 2, Article 10, VII (f).
[9] *Ibid.*, chapter 3, Article 16, para. 4.
[10] *Ibid.*, I and II.
[11] *Ibid.*, Article 15.
[12] *Ibid.*, Article 16, para. 5.

cities and municipalities over 100,000 can be given such remuneration for their services as may be allowed by national legislation.[13]

The Constitution stipulates that by national law metropolitan areas composed of municipalities may be established with a view of carrying out mutual services.[14]

Municipal revenues, always skimpy, have been further restricted. Municipalities have power to impose taxes on buildings and urban land property, and on the services of any nature not taxed by the national government. (Municipal taxes repealed were on trades and professions, economic activities, licences, and amusements). Municipalities now receive funds derived from the national tax on rural land property, and from the income tax and receipts that are required by national law to be withheld from municipal employees' salaries and from municipal public bonds. Both these sources are considered negligible. The municipalities' Participation Fund receives ten per cent of national taxes on income and on manufacturing, under national inspection procedures. Furthermore, fifty per cent of such receipts must be assigned to the capital budget of the municipality. If the municipalities agree to enter into an agreement with the national government for the co-ordination of their investments and tax administration programme, they may participate in up to ten per cent of income and manufacturing taxes collected within their territory.[15] Finally, the national government shares with the states and municipalities a percentage of taxes collected on oil products, power production, and minerals on the basis of area, population, consumption and production.[16] Municipalities also share twenty per cent of the state sales tax on liquid fuel and oils but these are credited to special accounts in official banks in the form provided by the national law.[17]

The Two Big Cities

The Mayor of Sao Paulo, the population of which tripled between 1940 and 1960, claimed that in that period municipal revenue decreased two-thirds proportionately.[18] This progressive impoverishment was a major factor in the delay in providing needed municipal services, and for the lack of equipment and facilities. The mayor cited the inadequate transportation system which made it necessary for many workers to use three to four hours of their time daily to go to and from work. More than half the city was without garbage collection, extensive areas were subject to annual flood conditions, and ninety thousand street light units were needed. School buildings, recreation areas, telephones, paved streets were inadequate. While the mayor reported progress since 1960, chiefly because of adjustments in the system of national subsidies, nevertheless it has been almost impossible for the municipal government to keep abreast with demands created by the population explosion. Furthermore, the effects of the financial changes in the 1967 Constitution have not yet been evaluated.

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[13] *Ibid.*, para. 2, and Chapter 8, Article 83.
[14] *Ibid.*, chapter 7, Title III, Article 157, para. 10.
[15] *Ibid.*, chapter 5, Article 25 and 27. This is additional to the 10% payable to the Participation Fund. Taxes on tobacco and beverages are excluded.
[16] *Ibid.*, Article 28.
[17] *Ibid.*, chapter 5, Article 24, paragraph VII.
[18] Faria Lima, 1966 *Uma Cidade Nova*, City of Sao Paulo, Brazil.

The City-State of Guanabara, one of the few, and by all odds, the largest city-state in the world, is the local government unit for the former Rio de Janeiro. Withal its magnificent harbour and fantastic seaside resort Copacabana, this city like its bigger sister Sao Paulo, is "not ready for people" – at least not for the great number that have been flooding in from the interior and from foreign countries since World War II. Hillside (favela) slum areas totalled 306, in 1966, with 162,000 makeshift houses containing 706,000 people. Nearly every year rain storms cause major damage to property and loss of life: recovery is always slow. Almost everything that a modern big city needs from its local government is in short supply.

One of the more interesting attempts of the two vast cities to improve administration has been the establishment of regional administrations throughout each urban area. Both are in their formative stages, but the regional organization for Rio de Janeiro is further along. A plebiscite was held in 1963 after the state of Guanabara took over the federal district of Rio de Janeiro. The people voted against dividing the new state into municipalities. Thereupon, twenty-one regional administrations were established. Within the Governor's cabinet is the Secretariat of Government and one of its three subdivisions is the office for the co-ordination of regional administration. The co-ordinator in charge has no substantive powers and no budget except a small item for maintenance. He is responsible for co-ordination, urging rather than commanding action from other city-state secretariats for the regions. Each regional administration is headed by an administrator who like the top co-ordinator has only small-line financial authority through his maintenance fund for public buildings. In each region, there are the following line units: health, education, public works, street cleaning, water and social services. Staff units are: public relations, administration, statistics, documentation, maintenance and secretarial. The line officers report directly to the head of the line secretariats in the city-state, and the staff officers report directly to the Governor. The line officers form the executive committee of the Region. An advisory council of the Region, made up of professional civic leaders, is appointed by the Governor. The regional administrator is chairman of both committees. He is appointed by the Governor while the line officers of the Region are appointed by the respective heads of their city-state secretariats. It is too early to pass judgement on this arrangement. Success will ultimately depend on continuous support from the governor, and the availability of trained administrators both line and staff.

Technical Assistance to Municipalities

A broad range of technical assistance is available to Brazilian municipalities. National, regional, state, municipal, university, international, and private agencies are active. True, while they cannot hope to cover the four thousand municipalities of the nation, they have made an impact at key spots on municipal development since World War II.

A national agency, SENAM, housed in the Ministry for Co-ordination of Regional Bodies, conducts training courses, supplies information and advice to municipalities. It maintains a "Mayor's House" in Brazilia for visiting local dignitaries.

Then, thirteen of the twenty-two states have departments of technical

assistance to municipalities. A typical such department has three sections: accounting, legal advice and urban planning.

Recently, the national government has established five regional organizations covering large geographic areas. One of these, SUDENE – autonomous, nationally supported, operates in north-east Brazil. Its scope of activities is broad but it is mainly concerned with planning and co-ordinating national, state and municipal activities connected with economic development. Actual projects are carried on by the state and local governments as well as by mixed organizations with both public and private resources. Highways, water supply and irrigation have been accorded high priority. The governing body of SUDENE is made up of twenty-six members representing national and state ministries. Although nationally supported, the presence of state officials provides a needed equilibrium.

The municipalities of Brazil are organized in an Association of Municipalities (ABM) which was established in 1946 on the initiative of municipal leaders dedicated to the improvement of local government and its place in the federal system. It formulated guide-lines for the *movimento municipalista*, an on-going programme on behalf of the municipalities and a solution-finder of their problems. Each state has a counterpart affiliated with the national organization. These municipal associations represent local government before the national and state legislatures and government generally. They act as a clearing house for information, and hold meetings and congresses of municipal officials. All municipalities are by law members of these organizations, and pay annual dues amounting to the highest monthly minimum wage in the nation. The association also receives some financial assistance from the national government and from private sources.

Three universities: Bahia, Rio Grande do Sul, and Pernambuco have institutes of public administration, and eleven others are giving courses in public administration. An example of a programme in technical assistance in which the local university works with a state government is in Bahia where there is undergraduate instruction in public administration; and in-service training, research and technical assistance for municipalities.

The Brazilian Institute of Municipal Administration (IBAM) provides training courses, makes available information, produces manuals, conducts reorganization studies, and undertakes research on municipal problems. It is maintained by fees from services, and also receives substantial aid from the national government and USAID. In the near future it is to be housed in a new building financed by USAID loans to the national government.

The Ford Foundation, the United Nations and other international associations have from time to time undertaken activities on behalf of the municipalities of Brazil. There are many scholarships available to students and administrators for graduate instruction in the United States and Europe.

Recently, the national government has set up a system for integrated local planning directed especially to the problems of the population-exploding cities. A complex arrangement involves the National Housing Bank (BNH) which will supply money for project investments such as housing construction, new industries, and the production of building materials; a central agency for co-ordination (SERFHAU); a planning organization which conducts applied economic research (EPEA); and national regional agencies such as

SUDENE for the north-east and SUDAM for the Amazon region. The states will be linked into this national system through state planning agencies dealing especially with local problems. Municipalities are requested to supply information and to organize advisory municipal planning agencies. The universities are to be fitted into the picture by means of providing research and technical training programmes.

Dr. Frank P. Sherwood, municipal administrator specialist from the University of Southern California, who was a consultant with USAID in 1967 observed that "the Brazilian government system has moved to a 'top-down' orientation, dominated by planners and economists". The theory is neatly hierarchical and orderly, but the question remains whether it provides motivational outlets and the flexibility essential to the functioning of any large-scale system. Because of the obvious and present difficulties and deficiencies in national public administration, it is certain that the realistic implementation of national plans will not be easily achieved.

Improvements for the Future

It is all very well to say that Brazilian municipalities need more money, more trained personnel, and more freedom to act. This would be true, as it would be for municipalities throughout the world, but no matter how loud such statements are made, local government bodies in every continent, especially those in urban areas, are not gaining ground either in autonomy or budget-wise. National governments are becoming more dominating, although not always increasingly efficient, and the big share of public revenue still goes to the centre, whence only miniscule amounts are ladled out to local government bodies. For the sake of the national governments as well as for those below, there must be improvement and constructive effort on behalf of local government. So is it in Brazil.

First, national-state-local relations must be stabilized through a nationally-initiated reallocation of governmental powers. The same may be said for the division of public revenues.

Second, municipal line functions especially in the cities must be modernized with new techniques and equipment. The city administrator, an up-to-date training programme, new equipment, more adequate staffing, research, task forces in specific fields, consolidation of small municipalities, administrative decentralization in the large cities – all these could result in much needed, better local government.

Forms of Municipal Government in Andhra Pradesh

A study in organizational Analysis and Evaluation

By P. A. JAMES

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THE State of Andhra Pradesh[1], fourth in population and fifth in area in the Indian Union, is the only one to introduce, in recent times, a new plan of Municipal Government, innovating in certain respects but radically different in other respects from the rest of the plans of municipal government already tried in different States of India. Thus on April 2, 1965, the Government of Andhra Pradesh took a very bold decision[2] in implementing throughout the State a new plan of municipal government, called the Council-Committee Plan, dispensing with the two different plans in vogue in the two regions of the State. Until April 1, 1965, in the Andhra region, the Commissioner Plan* (1933–65), which replaced the Chairman Plan* (1920–33), was in operation whereas in the Telengana (Hyderabad) region the President/Executive Officer Plan* (1956–65) was in operation. Thus, the State was already experienced in three different plans and the fourth one, the Council-Committee Plan*, is now on trial.

For a proper appreciation of the changes effected and dynamics of this new plan, and for an appropriate answer to the question as to what necessitated its introduction, a study of the salient features and an appraisal of the working of the earlier plans is a necessary prerequisite.

It is proposed in this paper to explain the salient features of different forms of municipal government** that were tried in Andhra Pradesh, the way

[1] The State of Andhra Pradesh was created through the fusion of regions with diverse historical, political, economical and cultural background, and includes the erstwhile State of Hyderabad.

[2] The decision is considered bold for the following reasons:

(a) There was great opposition from many quarters to the introduction of a new plan of Municipal Government. The new Act would not have seen the light of day but for the vigour with which the minister pursued the Bill.

(b) The Bill was passed with a great speed. The State Assembly took up clause by clause discussion on July 9, 1964, and it was finally passed two days later, in spite of the walk-out staged by all the members of the opposition parties protesting against Government's refusal to accept any of their amendments.

(c) The Commissioner Plan, replaced by the present plan in Andhra Pradesh, is still in operation in the Madras State which is noted for its excellent record in Public Administration and where there is no current move to change the municipal system.

* These plans are captioned for the first time by the author in his Ph.D. thesis on "Municipal Administration in Andhra Pradesh". The reasons for so captioning them are detailed in this paper at the appropriate place before presenting the salient features of each plan.

** *Dr. James has excluded from his article the Hyderabad Municipal Corporation which is governed by separate legislation.* Ed.

the elective and executive wings were organized and the political forces which motivated their activities, the inter-relations which resulted and to evaluate them on the basis of certain accepted principles of organizational evaluation.

Organization under the Chairman Plan (1920-33)

During this period the entire executive authority was vested in a non-official elected chairman and, therefore, it may be designated as "The Chairman Plan".

Under this Plan the chairman and the Council were the two authorities entrusted with carrying out the provisions of the Act. All municipal power, not specifically assigned to any other authority, was vested in the council.

All the councillors were elected for a term of three years. The council determined the policy and supervised the administration to a large extent, by passing resolutions from time to time and enforcing its bye-laws. The council enjoyed certain administrative powers such as granting or refusing licences for private markets. Although the chairman was the appointing authority, it was the council which framed service regulations for municipal employees. The council was empowered to call for records and correspondence in the custody of the chairman, to keep itself informed on important matters of municipal administration. In addition, it could finalize the assessments for purposes of taxation, grant exemption from taxes and tolls and write off irrecoverable taxes.

The chairman was elected by the members of the council and served as its presiding officer. The term of the office of the chairman, co-terminous with that of the council, was three years. However, an outgoing chairman was eligible for re-election. But the chairman could be removed from office by the Government for neglect of duty.[3]

The chief powers of the chairman were, of course, executive and administrative. Subject to certain restrictions it was the chairman who exercised the executive power. There was no provision for the appointment of a separate Executive Officer. Statutorily, the chairman was bound to give effect to the resolutions of the council. The chairman always enjoyed the power to make certain appointments, and their ratification by the council or the Government was required only in exceptional cases. He could also appoint all municipal officers and servants, except the health officer and the municipal engineer. The chairman was a member of all committees of the council. He was responsible for co-ordinating the work of all officers. For this purpose he had the custody of the proceedings and records of the council and he had the power to fine, revert, suspend, remove or dismiss any municipal officer. He could also grant leave to all the municipal employees.

The chairman had nothing to do with drawing up the budget, but still he wielded real power because it was he who was responsible not only for the assessment and revision of assessment of property for the purposes of taxation but also for the actual collection of taxes. Further, on his own initiative he could enter into contracts, the value of which would not exceed Rs.500/-.

The council could constitute committees.

[3] Until 1930, the Chairman could not be removed from office by a council vote of no-confidence.

The council was not without any authority over financial matters. It had the authority to prepare the budget which was subject to the approval of the Government.

Inter-Relations:

Chairman and the Council: In law municipal administration was vested in the council. However, in practice, the council was largely ineffective and the chairman emerged all powerful: he could always speak in the name of the council because he happened to be its presiding officer, elected by it; it was only in the year 1930 that by an amendment to the Act of 1920, provision for passing a vote of no-confidence against the chairman was introduced—hence, for all practical purposes, the chairman enjoyed continuity in office and could not be removed by the council; as he was the executive authority, there was no alternative for individual councillors and the public except to approach the chairman to get their work done or to ask for any special favours. Furthermore, the chairman was free to resign his office at any time. This facility to resign at will, without any express provision for a vote of no-confidence, further strengthened his position. Finally, the chairman as a member of every committee could manipulate matters to his liking. Nevertheless, the council was not completely powerless, for, it could call for records from the chairman and individual councillors could interpellate at council meetings.

Chairman and Officers: With the chairman also the chief executive of the municipality, his superior status in relation to all officers employed by the council was quite clear. The staff were subordinate to him.

Chairman and the Government: While the chairman's position *vis à vis* the council and its staff was very powerful, he was, of course, subject to government control: government could remove him from office for abuse of power or neglect of duty, in certain matters he was subject to control exercised by the Collector; he was also required to submit an annual administrative report to government through his council.

Appraisal: The chief merit of its Plan was that it provided for political leadership. Other merits were: (a) concentration of executive authority in one person; (b) simplicity; and (c) economy.

The Plan suffered from a serious defect, namely, lack of administrative efficiency leading to wasteful expenditure. Its other defects included:

(a) corrupt administration;
(b) the volume of work imposed on the chairman was frequently greater than he had the capacity to undertake, in consequence there was an accumulation of outstanding council business;
(c) ineffective enforcement of municipal laws;
(d) friction between the chairman and council; and
(e) Government's power to remove a democratically elected chairman.

Although the plan had a basically democratic purpose, it did not yield the desired results. The blame lay mainly on the excessive powers, and their misuse, by chairmen, and the inadequate role of the council – the result,

Government had to resort either to removal of the chairman[4] or supersession of the Council.[5] Maybe the plan was given too premature a trial and does not merit outright condemnation for its failure before the time was ripe for its introduction; be that as it may Government was constrained in 1938 to amend its 1920 legislation.

Organization under the Commissioner Plan (1933–65)

The office of the Commissioner was introduced for the first time in 1933 by amending the Act of 1920. Thenceforward the centre of gravity of municipal administration, in the Andhra region, shifted from the political Chief Executive to the government appointed Commissioner. Hence, the period 1933–65 may be designated as "Commissioner Plan Period" during which, the Government and the people looked to the office of the Commissioner for sound administration which the chairmen had failed to provide. As might be expected the new system resulted in markedly improved municipal administration.

The three authorities, under this plan, charged with municipal administration were: the Chairman, the Council and the Commissioner. As before, municipal administration was vested in the council, but it was forbidden to exercise the powers already granted either to the chairman or to the commissioner.

The council was elected originally for a term of three years, but later this was raised to five years. The council remained as the policy making body. It enjoyed certain administrative powers. For instance, the council's sanction was required for all proposals fixing or altering the number, designations and grades of its officers and servants. The council was the authority to frame regulations in respect of officers and servants of the municipal staff. Further, the council was also empowered to hear appeals against orders passed by the executive authority in certain specific matters. In addition, the council could at any time require the executive authority to produce any document in his custody. He was obliged to produce the same unless it was against the public interest.

The council also enjoyed certain important financial powers. Its sanction was necessary for validating contracts when the value exceeded Rs. 1,000/–. The council could levy the property tax and could also exempt owners therefrom in special circumstances. Further, it could modify any order passed by the executive authority reducing or remitting the payment of a tax, and write off any tax or fee, whenever its irrecoverability was established. Finally, the council could raise loans but they were not guaranteed by the Government.

[4] The Government was constrained to remove from office the Chairmen of the Municipal Councils of Cannannore, Gudiyattam and Bezwada for the abuse of their powers. See *Reports on the Administration of Madras Presidency for the year* 1931–32, p. 26.

[5] For example, the Municipal Councils of Peddapuram, Valajipet, Guntur and Chittoor, were each superseded for two years. The Vellore Municipal Council was superseded for three months as there were differences between the then Chairman and the majority group in the Municipal Council which resulted in a deadlock. The Virudunagar Municipal Council was superseded for six months for more or less similar reasons. See *Reports on the Administration of Madras Presidency for the year* 1935–36 Govt. Press, Madras, 1937, p. 23, and for the year 1929–30, p. 30.

The chairman elected by the council for a term of office co-terminous with that of the council, was shorn of his executive power. Government retained the power to remove him and the council could do so also on a no-confidence vote of not less than three-fifths of council members.

All the executive authority was vested in the commissioner, appointed by the Government. He was removable by the Government following a resolution passed to that effect by two-thirds strength of the council. He was empowered to attend the meetings of the municipal council or any committee of the council and was permitted to take part in the discussions but was not entitled to vote. He was obliged to attend the meetings of the council or of any committee if required to do so by the chairman. He was made responsible for implementing resolutions of the council and for submitting periodical reports to the council regarding the progress made in carrying out its resolutions. The commissioner emerged as the head of the municipal administration, since all the officers and servants of the municipal council were subordinate to him. He could appoint officials up to a certain salary range, and exercised disciplinary control over the staff. The commissioner had financial freedom to spend money up to a fixed limits and could enter into contracts where the value of the contract did not exceed Rs. 1,000/–.

The committee system was given a full trial, both statutory committees such as those for appointments, contracts and town planning – with the commissioner a member of the first two, and optional committees constituted by the council such as works, finance, public health and education.

The budget was prepared by the Council but it had to be finally approved by the Government.

Inter-relations:

Commissioner and the Chairman: The Act laid down (i) that the commissioner must attend council and committee meetings if so requested by the chairman, (ii) that official correspondence between council and State Government should pass only through the chairman (iii) that the chairman was obliged to transmit to the State Government communications addressed thereto by the commissioner and likewise correspondence in the reverse direction, (iv) that the commissioner when he attended council or its committees had no vote but was required to reply to members' questions.

Despite these provisions the position of commissioner *vis a vis* chairman remained ambiguous and a constant source of friction – the commissioner was not statutorily subordinate to the chairman, yet the council could impose controls on him. A proper *rapport* was never established and all too often their differences[6] resulted in deadlock in municipal administration necessitating State Government action either to transfer the commissioner or to discipline the chairman. Attempts to clarify their respective roles[7] achieved only

[6] For example, the Secretary of the Andhra Chamber of Municipal Chairmen complained that "Commissioners have behaved like independent satraps and one Commissioner to our knowledge had denied even a chair to the Municipal Chairman". Yet, in another instance it is said that the Commissioner did not allow the Chairman to enter the municipal office arguing that he had no business to enter when the Council was not in session.

[7] Vide G.O. *Ms. No.* 5215, *I & M.*, Local Self-Government Department, Government of Madras, dated 10.9.1935; and G.O. *Ms. No.* 3058, *L.A.*, Government of Madras, Dt. 2.8.1939.

limited success. Too much turned on the personalities of the office-holders concerned and where both were strong characters the position was further aggravated.

Commissioner and the Council: The power lay with the council[8] to control the commissioner. The council held the purse strings (the commissioner having financial discretion only in an emergency), the council heard appeals from the commissioner's orders, the council was the actual tax levying authority (albeit initiative here lay with the commissioner), the final say in all appointments that mattered rested with a council committee on which the chairman and a colleague could out-vote the commissioner, the council in law was responsible for the salary of the commissioner, whose transfer could be achieved by a resolution to this end being passed by the council. Despite these provisions it was felt by many that in practice the council failed to keep the commissioner "in his place", that he assumed too powerful a position – to the discomfiture of councils and their chairmen.

Commissioner and the Government: The chairman and the council, it appears, disliked the commissioner more for the special status he enjoyed than for any real dissatisfaction regarding his work. There was a strong suspicion that he was amply protected by the Government and enjoyed comfortable security of tenure: he could in an emergency report to the Government about the state of municipal affairs and in this regard he was looked upon more as an agent of the Government than an officer of the council. Where any disagreement arose between the commissioner and other agencies, Government many believed would support its officer unless there was something very radically wrong. For his part, the commissioner, so the critics held, always looked to the Government and not to the council because his interests in the matter of promotion and other benefits lay with the State. Finally, even if there were complaints against the commissioner, he had nothing to lose as he could be transferred to another municipality in the State.

Commissioner and other officers: The chief feature of the Plan was the strengthening of the executive wing. The special position accorded to the commissioner was the cause for heart-burning among technical officers and the Government found it necessary to issue orders[9] clarifying the position and making the commissioner the sole co-ordinating authority.

The Commissioner and the Committees: In so far as statutory committees were concerned, the commissioner enjoyed the same status and exercised the same powers as the other members of the committee. With regard to optional committees, his status was subordinate because the chairman could ask him to attend any meetings of these committees and he was obliged to be present to explain matters but could not vote.

Appraisal: The chief merit of the plan was its administrative efficiency. Its other merits were:

(a) use of experts: the commissioner was considered an expert in municipal administration;

[8] *Seventeenth Report of the Law Commission on Andhra Pradesh Municipalities Bill*, 1960, p. 29.

[9] G.O. *Ms. No.* 345, *L.A.*, Government of Andhra, dt. 21.3.1955; No. (Ms) 271, *Health*, dt. 11.2.1960 and *No.* 1433, *Health*, Housing and Municipal Administration Department, Government of Andhra Pradesh, dt. 28.10.1961.

(b) appointment of an executive officer who was independent of the control of the council and the chairman as far as executive functions were concerned;
(c) insulation of the executive authority from local pressures;
(d) recognition of merit system;
(e) effective co-ordination; and
(f) less corruption.

The major defect of the plan was its neglect to provide for political leadership. Its other defects were:

(a) autocratic behaviour of the commissioners;
(b) division of authority and splintering of responsibility;
(c) all commissioners were not of proven ability;
(d) clashes between the commissioner on one hand and the chairman and the council on the other.

However, the institution of commissioner could not be a panacea for all the ills of municipal government. Further, in the wave of independence it tended to offend the popularly elected representatives particularly when they were in the first flush of power and when the commissioner attempted to apply the corrective. It is not surprising that all this led to the abolition of the institution of the commissioner and establishment of the Executive Committee under the new Act.

Organization under President-Executive Officer Plan (1956–65)

Municipalities in the erstwhile Hyderabad State were governed by the Hyderabad District Municipalities Act of 1956. Broadly speaking the administrative structure approximated very closely to the recently evolved pattern in the U.S.A., of Mayor-Manager and which can be captioned here as "President Executive Officer Plan".[10]

Under this Plan, there was no specific mention in the Act of the authorities charged with municipal administration. However, subject to other restrictions, municipal administration was vested in the council. The important personalities were the President and the Executive Officer.

The council was elected for a term of three years. As in earlier plans, it remained as the policy making body. The administrative powers enjoyed by the council were the appointment of officers and servants of the municipality, determining their designations, grades and salaries, management and control of public institutions maintained out of municipal funds and exercising broad control over the acts of the Executive Officer. The council enjoyed important financial powers. For instance, it was the authority to sanction contracts exceeding Rs. 1,000/– in value.

The President, elected by the council, enjoyed a term co-extensive with that of the council. There was no provision in the Act for his removal on

[10] But it differed from the Mayor-Council Plan for the following reasons:—
(i) the President did not enjoy the same position or all the powers exercised by the Mayor, for the President under the Hyderabad Act was indirectly elected unlike his American counterpart; and
(ii) in actual practice, under the Hyderabad Act, the executive authority was exercised through the agency of the government-appointed Executive Officer, who worked under the general guidance of the President, whereas in the U.S.A. the counterpart of the Executive Officer is appointed by the Mayor.

Government's initiative. However, he could be removed from office by the council on a vote of no-confidence passed by not less than half its members.

Under this Plan, the president was more than a mere presiding officer. He was the head of the municipal executive and exercised important powers of supervision and control over the actions of all the officers and servants of the municipality, in matters of executive administration and accounts. The President also held financial powers, he could enter into contracts on behalf of the council where the amount or value of the contract did not exceed Rs. 1,000/–. Another special feature of the plan was that the President could receive additional powers from the municipal council by delegation. The President's position and status very nearly approached that of the chairman under the Chairman Plan.

The executive officer was appointed by the Government. He was directly responsible for carrying out the purposes of the Act and the decisions and resolutions of the council. He was the chief administrator with virtually full control over his subordinates so as to ensure effective administration. He prepared the budget and annual administrative reports. He maintained accounts and registers. He advised the council on the applicability of law in a given case. By and large, his position was closer to the Municipal Commissioner under the Madras Act then to the Municipal Secretary under the present Act.

The Municipal Council formed its own committees, with the finance committee producing the budget for council's approval.

Inter-relations:

President and the Council: Notwithstanding the statutory powers of the council, the president tended to dominate under this Plan. Besides the authority that the council could delegate to him (and many councils did in fact delegate powers to their presidents), he had a limited number of independent powers vested in him under the Act[11], while on the executive side, there was no ambiguity, his status was clearly superior to that of the executive officer.

President and the Executive Officer: The Plan was given a comparatively short trial, however, in practice there is evidence to show that, by and large, the relationship was cordial and contributed to the smooth working of the plan. The subordination of the executive officer to the president did not create any particular difficulties.

President and the Committees: There was no special problem encountered in the relations between the president and the committees: the president was the head of the executive administration and a member of every committee. In fact, he could easily persuade committee members to rally round him.

Appraisal: The chief merit of the Plan was the harmonious blending of two powerful forces in public administration, political leadership and administrative efficiency, to promote sound municipal administration. Its other merits were:

(a) effective leadership was provided;
(b) proper status was accorded to the chairman;

[11] The Hyderabad District Municipalities Act, 1956, Sec. 319.

(c) its democratic features in spite of appointment of an executive officer by the Government; and
(d) its adaptability to small and medium sized towns.[12]

The chief defect of the Plan was that the position of the president could become too dominant with the council being relegated to a background role.

This interesting Hyderabad Plan had all too short a life – one would have liked to see how the system would have worked in present political circumstances.

Organization under the Council-Committee Plan

While the last two Plans were in operation, powerful agitation built up for the emancipation of the chairman and the council from "the clutches of executive dominated" municipal administration. It was thought that an artificial separation of executive and deliberative wings of administration was fundamentally inconsistent with popularly elected representative institutions. The main charge against public servants was that they were rigidly rule-minded and were not conscious of nor alive to popular needs. It was also argued that they were positively contemptuous and hostile towards political leadership. All this led to the search for a new pattern and the enactment of a new Act in 1965 to replace the old system. This marks a new stage of development in the evolution of municipalities. Since the whole executive authority has been distributed between the Council and the Executive Committee, the new system may be named as "Council-Committee Plan."

Under the present plan, the four authorities charged with municipal administration are, the Chairman, the Council, the Executive Committee and the Secretary.

The council is elected for a term of five years. It continues to be the policy making body with wider powers than hitherto; for the first time Members of Legislative Assembly and Members of Legislative Council, whose constituencies form a part of municipal area, have become ex-officio members of the Municipal Council. Also for the first time, the institution of Aldermen has been introduced. On the council is placed the authority to recommend to the Government the dissolution of the executive committee. Furthermore governmental control over the council is reduced because supersession as a method of control is no longer available, but now municipalities can be dissolved. Finally, with the exception of the executive committee, there are no committees to share powers with the council and compete as rivals to the parent body.

As under the Commissioner Plan, the council has retained the power to sanction the municipal establishment; fix salaries; approve contracts of the value of Rs. 10,000/- and over; and grant exemption from property tax. Formerly, the Government, without consulting the council, could impose the property tax, but now it is required to consult the council before ordering the levy of the tax. Another important change is that loans floated by the council are now guaranteed by the Government.

The chairman, elected by the council, enjoys a term co-extensive with that of the council. Government can remove him from office on specific charges.

[12]The tempered mixture of powers in no way adversely affected municipal administration in these towns.

He can also be removed from office by the council by a vote of no-confidence passed with not less than a two-thirds majority of the members. By increasing the majority required for passing a vote of no-confidence, security has been obtained for the office of the chairman who has gained in position and status under this Plan because he is also made the chairman of the executive committee.

All the executive authority under the new system is vested in an executive committee, an innovation in Andhra Pradesh which appears to be the first State to experiment with this arrangement and to abolish all other committees of the municipal council. The executive committee has to be constituted within fifteen days from the date of the election of the chairman, and its members elected in accordance with a system of proportional representation by means of a single transferable vote. The *ex-officio* councillors and aldermen are ineligible for membership. The term of the committee is one year and it can be dissolved by the Government on its own initiative on grounds of persistent default or when a resolution is passed by the council to that effect. The meetings of the executive committee are presided over by the chairman.

The executive committee is responsible for implementing the provisions of the Act and for carrying out to the resolutions of the council in all matters except the collection of taxes, removal of encroachments and maintenance of the municipal office and records. The executive committee has power to appoint employees up to certain salary limits, to enter into contracts not exceeding in value Rs. 10,000/- and to grant licences. It can appoint one or more of its members to inquire and report on any specific matters. Further, it has quasi-judicial powers to ask any person to appear before it and give evidence and produce documents in respect of questions relating to taxation or grant of licences and other allied matters. It has appellate powers including hearing appeals against the grant or refusal of licences, drainage and water supply connections and suspension or revocation of licences. There is no single officer charged with executive duties under this plan. The office of the commissioner was downgraded and in his place a municipal secretary is appointed. The position of the municipal secretary is no more than that of a "glorified head clerk", for he is responsible only for the collection of taxes, fees, licences and removal of encroachments. He has the custody of municipal records subject to the control of the chairman. He is to be present at the meetings of the council and the executive committee to facilitate discussions but he is not entitled to move resolutions or to vote.

The council is responsible for passing the budget subject to modification by the government.

Inter-relations:

Executive Committee and the Chairman: Although both the chairman and the executive committee are provided with a broad-based statutory foundation, in practice the chairman's position is a strong one, for he is more than the presiding officer of the council. He is the chairman of the council and the spokesman of the municipality. Under the new Act, while on the one hand an attempt has been made to strengthen the position of the chairman, on the other, the executive committee has been set-up to act as a brake, should the chairman begin to exercise unbridled power. While legislation was on the

anvil, it was suspected that by an abuse of the process of electing aldermen, the chairman would strengthen his own group support. But as we have shown the Act as finally passed has excluded aldermen from membership of the executive committee.

The chairman however has the power to convene the meetings of the executive committee. If necessary, he could convene a meeting at short notice and in this way expedite some business which he is particularly interested to press forward. Furthermore, the minutes of the executive committee have to be signed by the chairman and he has the means to delay here. The chairman also has a casting vote which in some circumstances can, of course, enhance his power in executive committee. The term of the executive committee is only one year while the chairman has a term co-extensive with that of the council; this continuity further enhances his status. While, as we have shown, the chairman's position is a very strong one, he for his part must depend largely on the support of the executive committee which it behoves him to maintain, if the executive committee is to carry out its role efficaciously on behalf of the council.

Executive Committee and the Council: Although the executive committee, like the council, is a statutory municipal authority, it is both the creature and spokesman of the council. While the executive committee has wide powers, both in theory and in practice, the council is armed with sufficient power to control it. For example, the exercise of its powers is subject to the sanction of the council. Secondly, the executive committee has to furnish periodical statements to the council regarding the progress it has made in carrying out resolutions of the council. This clearly indicates the subordination of the executive committee to the council. Thirdly, the executive committee has not been given unlimited powers to enter into contracts, for under the Act it is the council alone that can enter into contracts where the amount or value exceeds Rs. 10,000/–. Finally, appeals lie to the council from any notice issued or other action taken by the executive committee and against the original order it has made. The twelve month term of office of the executive committee and the annual election of members by council provide a ready curb against undue executive exuberance.

Executive Committee and the Secretary: As already shown the new executive committee fills the "power vacuum" caused by the disappearance of the commissioner and the former committees, and, as has also been shown *supra*, it is the secretary and not the committee who is responsible for the collection of taxes, fees, and licences and the removal of encroachments, the custody of the municipal records. So one may discern a sort of functional diarchy. In fact, we have a triarchy because all the other powers vest in the council.

This triple division of municipal executive functions and powers is perhaps the most questionable aspect of the new legislation and it is most likely to have an adverse effect on smooth and efficient municipal administration. The secretary (despite his now inferior status to which reference has already been made) is made responsible for some important municipal functions. The taxes, licences and removal of encroachments vitally concern the municipal pressure groups, if experience is any guide. It is most unlikely that the

executive committee would allow the secretary an exclusive administration of these matters. If the secretary does not co-operate with the executive committee here, the committee could well make the secretary's functions ineffective. Although the municipal staff may be controlled by the secretary, the executive committee is in a position to issue direct orders to them and this could, of course, if a proper spirit of co-operation were lacking, largely negative the secretary's work and position.

Appraisal: The chief merit of the plan is that it is highly democratic because the position of the elected chairman has been strengthened and the council enjoys wider powers. Its other merits are:

(a) its close resemblance to a cabinet form of government;

(b) opportunity for the public to watch closely the working of the executive committee;

(c) opportunities afforded to the councillors for actual participation in municipal administration.

The demerits of the plan, however, seem to off-set its merits. The main defect is the absence of any separation of powers because the executive committee, consisting of elected councillors, is made the executive authority. Its other defects are:

(a) undesirable combination of offices with the chairman of the council also the chairman of the executive committee;

(b) insufficient responsibility is given to the officers of council.

The working of the Plan during the short period of its trial have proved unsatisfactory and proposals for amending the Act are once more being considered by State legislators.

CONCLUSIONS

(1) All the Municipal Government Plans, except the Commissioner Plan, were tried for a short time. It appears that the Plans were given up in undue haste without allowing for an adequate period of experimentation and without judging their merits and demerits in sufficiently broad perspective.

(2) In evolving each of the Plans, only one factor at a time seems to have been predominent in the minds of the authors to the exclusion of others. In case of the Chairman Plan, *political leadership* was the factor, in the Commissioner Plan, *administrative efficiency*, in the President-Executive Officer Plan, *balance of forces* and in the Council-Committee Plan, *strengthening the political wing*.

(3) The increase in the number of authorities (in the successive plans) charged with carrying out the purposes of municipal administration, in no way contributed to the efficiency of municipal government.

(4) A suggested modification to the Council Committee Plan might be:

(a) to separate the chairmanship of the council from that of the executive committee;

(b) to remove from the chairman responsibility for the overall supervision of administration and control of council staff;

(c) to give council officers responsibility within their departments for executing the decisions of council and its committee, to make the executive committee responsible for co-ordinating the work of all departments and for overall supervision, the committee becoming in fact a management rather than an executive committee;

(d) to give the municipal secretary adequate status as the council's principal officer, but not as the executive authority under the Commissioner Plan;

(e) to give the reshaped "executive" committee a life co-terminous with that of the council and at the same time to empower the council (by an appropriate majority vote) to dissolve the committee and to elect a new committee.

(5) Finally, the evaluation of the four plans tends to suggest that improvements could be effected in municipal administration with adequate arrangements made:

(a) to secure a proper relationship between the officials and non-officials; and

(b) to separate the deliberative and executive wings to the extent necessary for efficient administration but not to such an extent as to destroy co-ordination.

There is a strong feeling that society at the moment is suffering from excesses of democracy and if something purposeful has to be achieved in administration, bureaucracy needs to be strengthened at all levels including the local level. The remedy for the present malady appears to be not in the prescription of more democracy to cure the ills of democracy but to evolve suitable correctives to the abuse of democratic practices and to establish sound and healthy conventions with which to promote democratic order.

Local Government Trends in Swaziland

By B. H. DENING

Mr. Dening following administrative service in the Sudan and in Uganda has recently completed an assignment as Local Government Adviser, Swaziland.

General Background

The concept of local government in the generally accepted meaning of the term has only recently been introduced into Swaziland. During the last few years however much thought has been given to the need for establishing local authorities in both rural and urban areas. The first step towards practical implementation in this direction was made in 1964 with the introduction of a law[1] which provided for the establishment of urban local authorities along orthodox lines for independent municipalities. Nothing has been done as yet to provide for the establishment of similar authorities in rural areas. It should be appreciated therefore that local government in Swaziland is in its very early stages, and that the system is still in the process of being developed to meet the needs of a small country with limited resources.

The newly independent Kingdom of Swaziland is tucked away in the south eastern corner of the African continent between the Republic of South Africa, which surrounds it on three sides, and the Portuguese territory of Mozambique which separates it from the Indian Ocean to the East. It is a small country covering only 6,700 square miles in area with a population of about 375,000[2], which is predominately Swazi in origin. Although this figure includes an appreciable number of Europeans (8,000) and other non-Africans (4,200), as well as a number of Africans from other countries, Swaziland has only one indigenous tribe and therefore presents a homogenous nation in which inter-tribal rivalries have no place. The population is essentially rural and the only two towns of any size are the capital Mbabane (13,800) and Manzini (6,100).

The country is divided into four districts each of which is administered by a District Commissioner. Within these districts there are a number of settlements which have been declared "urban areas" with prescribed boundaries. The two largest "urban areas", Mbabane and Manzini, have been declared "board areas" and each of these is administered by a Town Management Board, which is to all intents and purposes a Town Council. The District Commissioner is recognized as the local authority within his district in so far as the present laws and system of administration require, except in those areas where a Town Management Board has been established and recognized as the local authority. Basically however, the District Com-

[1] Town Management Proclamation (No. 4 of 1964).

[2] The population figures quoted are taken from the 1966 Census, rounded off to the nearest hundred. The comparable total population in 1968 is estimated at 385,000.

missioner is the central government's representative and principal agent in his district. The present system of administration in Swaziland does not provide for local authorities operating throughout the country and the laws do not really take account of them.

The background to the present position in the rural areas is the way in which a form of dual administration developed during the sixty-five years of British administration. It is somewhat unique and probably without parallel elsewhere, but it has had and will continue to have a very great influence on the political and constitutional development of the country. Briefly, on the one hand you have the Swaziland Government whilst on the other you have the Swazi traditional tribal administration. Until the constitutional changes in 1967 when Swaziland became a Protected State, the Swaziland Government was a team of expatriate officials headed by a Commissioner appointed by Britain, whilst the tribal administration continued to function under the leadership of its acknowledged Ruler, the Ngwenyama who exercised his responsibilities through traditional Swazi law and custom. Whilst the Swaziland Government had overall responsibility for the whole country, it was accepted in practice that it should not interfere with the day to day administration of the Swazi areas, which comprise about half the territorial area of the country and are where 70 per cent of the Swazis live. In these areas the Swazi were left very much to their own devices subject only to the rule of the Ngwenyama, whilst the rest of the country was directly administered by the colonial government.

In April 1967 Swaziland became a Protected State and entered on a short period of internal self rule prior to full independence which was granted on 6th September, 1968. With this constitutional change the old style colonial government was replaced by a ministerial system with a Cabinet and Prime Minister responsible to Parliament. The Ngwenyama also became Head of State as the King of Swaziland. These constitutional changes have thus joined the two types of administration together for the first time under a single head in the person of the Ngwenyama, but the diarchy continues with the Cabinet and Parliament being the official Government and the Swazi National Council continuing to represent the Swazi nation. It remains to be seen how the constitutional and tribal bodies will operate in future and what their mutual relationship will be. Meanwhile their separate existence is a fact which exercises considerable influence on the conduct of all aspects of government.

The Swazi tribal system exerts a strong control over the people and is deeply rooted in traditions which are averse to change. Under this system the Ngwenyama as Ruler of the tribe is advised by his kinsmen and a few chosen councillors. Although he is the Ruler, the Ngwenyama cannot act without consulting and obtaining the approval of two tribal councils. The smaller of these is the *Liqoqo*, which might be interpreted as being a cabinet composed of the Ngwenyama's closest kin and most trusted advisers. The larger council is the *Libandla*, or Swazi National Council, which embraces every adult Swazi male in good standing. The *Liqoqo* meets weekly to deal with matters referred to it by the Ngwenyama or the *Libandla*. The *Libandla* meets only once a year, but it has the final say in deciding what should or should not be done. In practice most of the business of the *Libandla* is

conducted by a Standing Committee which apart from referring matters to the *Liqoqo* also provides a point of contact between the Government and the Swazi nation. The membership of this Standing Committee is constantly changing and its deliberations are conducted in a somewhat haphazard manner which tends to make it difficult for any decision to be reached. The Ngwenyama is however through his position as Ruler and his own personal prestige able to exercise considerable influence over the deliberations of these councils. Whilst he must carry his people with him and must take account of their wishes and feelings, it is equally true to say that the Swazis themselves look to him for leadership and guidance in deciding how they should proceed. The Ngwenyama does therefore play a role of supreme importance in every sphere of life in Swaziland, and he has continually to maintain a balance between the conflicting pressures of tribal tradition and new ideas.

Rural administration

For many years no attempt was made by the old colonial Swaziland Government to associate the Swazis with the general administration and development of their country, or to identify the tribal system with the central government in any way. It was not until 1928, following on the visit of Mr. L. S. Amery, the then Secretary of State, that any move was made to establish closer contacts between the colonial government and the traditional Swazi administration. In that year regular meetings between the Resident Commissioner and the Ngwenyama were instituted, whilst at a lower level closer relations between district officers and local chiefs were established. No steps were taken to develop any form of indirect rule, as was done in other parts of Africa, or to shape the traditional tribal organization into a recognized local government system, with statutory powers and duties, which could have provided the Swazis with modern administrative machinery for managing their local affairs in this day and age. However, in due course and after protracted discussions aimed at associating the Swazis more closely with the development of their country, the Native Administration Proclamation was promulgated in 1944. This met with strong opposition and achieved little. It was accordingly repealed and replaced by the Swazi Administration Proclamation in 1950, which remains in force to this day.

This law gives legal sanction to the Ngwenyama in *Libandla* to administer all Africans in Swaziland in accordance with Swazi law and custom, and to make orders with the force of law in respect of a large number of other matters of communal interest which are not covered by tribal custom. The law requires the Ngwenyama and every chief "to maintain order and good government among Africans . . ." and requires every African who is called upon to do so to assist the chiefs in carrying out this duty. The law also specifies certain duties regarding the prevention of crime. Otherwise, this law makes no provision for the establishment of local government bodies or authorities with representative councils having responsibilities for local services, and the power to employ staff and raise revenue to implement those responsibilities. Whilst the Ngwenyama has made a number of orders under this law, it has made very little impact on the administration of the country, except perhaps in perpetuating the diarchical form of administration already described.

The position of chiefs in the Swazi tribal structure is rather nebulous. There are a vast number of them, and whilst some have quite large communities under their wing, others are responsible for only a very small number of people. The office of chief is hereditary in that a chief can only be selected from a particular family. The actual appointment of a chief rests with the Ngwenyama after a lengthy process of consultation, which may last several years, with the council of the family concerned[3]. The Ngwenyama can only appoint a person acceptable to the family and it may take a long time before everybody has agreed on the selection of a particular individual. Neither appointment nor retention of office as a chief is dependent on ability or efficiency, and once appointed a person normally holds office for life. The power and authority of a chief is limited, being subject on the one hand to his own family council and on the other to the directions of the Ngwenyama. Chiefs are not paid any salary and they are not subject to any direction by the District Commissioner or to any other central government representative.

In an effort to make some provision for local councils in rural areas, the Ngwenyama established the *nkundla* system several years ago. Under this system the areas of several chiefs were grouped together to form an *nkundla* and the chiefs were formed into a committee with a duty to discuss local affairs affecting their *nkundla*. These committees do not have any financial or executive powers, nor are there any paid staff to implement such decisions as they may reach. Whilst in some areas the committees have provided a useful point of contact between Government and the Swazi, and a few have proved of value in promoting rural development work, they have not in general proved effective and they have not developed into a system of local government.

The position in the rural areas of Swaziland, therefore, is that there is no recognized system of local government with statutory duties and powers, and through which the Government and its officers can work in building up a system of local administration able to meet modern needs and which could generally assist in the development of the country in social and economic fields. The traditional system remains virtually unaltered and more or less independent of the central government. Proposals for introducing a modern system of local government in rural areas are in abeyance. The very idea of any move in this direction is strongly opposed by the chiefs and traditionalists who regard it with suspicion and fear that the changes involved would reduce their influence and undermine their position. This attitude is probably the main reason why the *nkundla* system has not developed into an effective system of local administration.

Due to the very small size of the country, it is in fact possible for the central government to provide many of the services which in larger countries are the responsibility of local authorities. Also, through their members in Parliament or by direct approach to their District Commissioner, the people can make their local needs known to Government. Each member of Parliament represents comparatively few constituents and again the small size of the

[3] The council of the family from which a chief must be selected is called "Lusendvo", and it bears the same relationship to a chief as the Liqoqo does to the Ngwenyama.

country means the central government is much closer to the people than can ever be the case in larger countries.

Urban administration

Turning now to the urban areas, the position is very different. Here the system of administration has developed along more orthodox lines. The towns of Swaziland have grown up over the years as administrative and commercial centres, and as such they are predominately non-Swazi in character. Although Swazis form the bulk of the inhabitants, the towns are essentially European creations and where most of the population of non-Swazi origin lives. Apart from Mbabane and Manzini, these towns are still no more than very small villages and only Goedgegun has a population of over 1,500. Nevertheless all have urban characteristics and are potential centres of urban development and as such have required closer administration than the rural areas, even where their size and resources precludes the establishment of independent local authorities.

Initially the only action taken to establish these towns was to lay out areas of Crown land in lots which could be sold off for residential or business purposes. A limited amount of control was exercised by writing conditions into the title deeds and this method of affecting planning control is still used, though new planning legislation which is now being prepared will make this unnecessary in future.

The need for closer administration in urban areas has long been recognized and was provided for in the Urban Areas Proclamation which was made in 1912 and which is still in force today with only a few amendments. It is a very short and simple law and really does no more than to provide for the declaration of defined "urban areas" and to allow regulations to be made on a wide range of matters relating to the administration of a town. The regulations which have been made deal primarily with public health, water supplies, sewerage, markets, public order, miscellaneous nuisances and so forth. They also include some building regulations. In brief, the Proclamation permits a local authority to be empowered by regulation generally to administer an urban area and to provide basic municipal services, for which charges may be levied.

The regulations recognize the District Commissioner or his assistant as the local authority, but also permit some other officer to be appointed the local authority for a particular area. Neither the Proclamation nor the regulations contemplate any form of council or local government body as the local authority and no provision is made for rating. In actual fact it has been the practice for many years to set up Urban Area Advisory Committees in order to associate local residents with the administration of their towns, but these committees have no legal status and powers nor funds to spend. The intention of the Urban Areas Proclamation is purely to give Government officers legal sanction to enforce laid down public health standards and to deal with public nuisances or disorderly conduct in specified towns, and not to provide the means for establishing urban local authorities as separate local government bodies.

When it was decided about five years ago that steps should be taken to establish such authorities in Mbabane and Manzini, it became necessary to

introduce new legislation to make this possible. As a result the Town Management Proclamation was made in 1964. This law is drawn up along the usual local government lines. It provides for the declaration of town management board areas, the establishment and composition of boards, the conduct of meetings, the employment of staff, deals with financial matters and sets out the powers of the boards. It also empowers a board to levy a rate. At the same time a separate Valuation Proclamation was made to enable the valuation of immovable property to be carried out. The new Town Management Proclamation did not replace the old Urban Areas Proclamation and both the old and the new law can be, and in fact are applied to the same areas.

In October, 1964 the "urban areas" of Mbabane and Manzini were declared "Board areas" under the new law, and a Town Management Board was duly established for each town, and these Boards replaced the District Commissioner as the local authority within their respective areas. Initially all the members of the Boards were appointed, but after about a year elections were held and both Boards became fully elected bodies except for the District Commissioner who continued as an ex-officio nominated member. Each board area has been divided into wards, and three members are returned for each ward. Elections are held annually, but in order to provide for continuity only one member from each ward retires each year. In the course of some twelve months therefore the system of administration of these two towns changed from direct rule by a District Commissioner who exercised his responsibilities by virtue of a law made fifty years previously, to administration by a fully elected independent local authority operating under a completely different law which involved a totally different approach. In effect, this change took place overnight with the establishment of the appointed Boards.

These newly established Boards were faced immediately by formidable problems which largely resulted from their precipitate birth, but also from their size and lack of resources. They had first of all to set up the organization needed to operate and to recruit the necessary staff. They had to set about raising revenue to meet the cost of administering the towns. Although a general valuation had been carried out prior to the Boards being established, no rate had ever been imposed since the law only provided for an established Board to levy a rate. Apart from a small amount of assigned revenue from licences, the Government provides no financial assistance by way of grants, but it does pay rates. Equipment and vehicles were needed to carry out essential services which in the past had been provided by the Government, but had now become the responsibility of the Boards. The need for substantial loans or grants for capital works projects soon became apparent. The Government continued to accept responsibility for the water and sewerage services until proper arrangements could be made to hand them over, and also for main roads passing through the Board areas, but otherwise the Boards became entirely responsible for the general administration of their areas.

Apart from these pressing administrative and financial problems resulting from the establishment of the Boards, difficulties were soon encountered in administering the legislation, which is extensive yet in many respects

incomplete, and is not easy to follow or understand. Also, it was not long before troubles began to develop between Board members and staff, whilst the standard of conducting business often left much to be desired.

Another matter which calls for mention is that the membership of both Boards has been predominately European during the four years of their existence, and Swazis have played little part in their affairs; This position is the result of a restricted franchise and the ward system, both of which are designed to favour the more opulent ratepayer to the exclusion of the non-ratepaying majority. With this goes an attitude that the Boards were established primarily to look after the interests of the ratepayers, rather than to take over responsibility from Government for the general administration of the towns for the benefit of all their inhabitants. Apart from their members, the Boards are also entirely dependent on expatriate senior staff, and due to their very limited resources they have been unable to start training local officers and so associate Swazis more directly in their affairs. The effect of all this is that the Swazi tend to regard the two Boards as being essentially European organizations, whilst others are encouraged to think they are ratepayers' organizations which should not be subject to any control by the Government.

It is not surprising in the circumstances that many difficulties were experienced when it came to getting the Boards to function properly. Not only did they have big practical problems to overcome from their very beginning, but all concerned had to become familiar with a new law and, except for the few Board officials with previous local government experience, to learn how to work a completely new system of administration which had never before been applied in Swaziland. The absence of a local government department within Government staffed with officers experienced in this field of administration did not make it any easier to resolve these difficulties as they arose. Although the law requires a Board to obtain the Minister's approval for various actions, it does not give the Minister much positive control or provide him with adequate means to guide and supervise the functioning of a Board. As a result the Boards, once established, were left to sink or swim as best they could, and the general attitude all round appeared to be that Government was henceforth absolved from its responsibilities in regard to the administration of the two Board areas.

However, as it became clear that the new system was not working entirely satisfactorily in Mbabane and Manzini and the legislation continued to cause much difficulty in its implementation, it was decided that a general review should be undertaken of the functioning of the two Town Management Boards and of the legislation with a view to making recommendations on any changes required. The future administration of the other urban areas also called for attention and it was agreed that this should form part of the overall review. Action followed accordingly and a number of reports covering all aspects of urban local government in Swaziland have been submitted to the Government together with comprehensive recommendations on measures needed to overcome the many problems encountered.

It is not possible within the compass of this article to consider in any detail the contents of these reports, but the following extract from the main

report[4] summarizes the position which was found to exist:

"I consider that the difficulties and troubles experienced in establishing the Town Management Boards, and in the administration of the two towns concerned since their establishment, arise from the complexity and multiplicity of laws and regulations applicable to them combined with a too rapid change from a system of direct administration to a fully independent local authority. The results of this have been aggravated by the absence of a general understanding of the concept of local government and any reorganization within government itself to cater for the introduction of a new system of administration."

Changes in the legislation

In any country the successful establishment and growth of local government is dependent to a great extent on the legislation involved, since this provides the framework within which local authorities must work and through which the central government can exercise its responsibilities. Unless the law is right, it is bound to be difficult to operate any system of local government efficiently. In order to frame the law correctly, certain matters of policy must first be decided and basic principles agreed upon in light of the circumstances applying in the country concerned. These circumstances vary, and inevitably are very different in a country where local government is being introduced for the first time as compared with a country where a system of local government has grown up over several centuries. There are of course many factors that must be taken into consideration when drawing up the policy to be followed, and whilst advantage should always be taken of experience elsewhere care must be taken in deciding the pattern which will best meet local requirements.

These contentions have now been accepted by the Swaziland Government, and the recommendations which have been made for an extensive revision of the legislation affecting local authorities are being implemented. Very broadly, the proposals are that the two existing laws, the Urban Areas Proclamation and Town Management Proclamation, should be repealed and replaced by a new Urban Government Act, that there should be a separate Rating Act and that various other items of subsidiary legislation currently catered for under the laws to be repealed (and so applicable only in urban areas), should be made subject to laws enforceable throughout the country.

Examination of the current legislation and the general system of administration in Swaziland shows that local government has no real place in the system of government, and generally speaking, the laws are not framed to take account of it being introduced. Naturally enough, the original development of urban conditions in some areas called for the introduction of controls, particularly in the field of public health, that were not called for elsewhere at the time. Hence a variety of matters have been legislated for under the Urban Areas Proclamation simply because in the first instance the controls envisaged were required only in the urban areas. This state of affairs no longer exists since there is now an increasing need to extend these controls into areas other than declared "urban areas". The existing legislation is not

[4] "*Report on the Functioning of Urban Local Government in Swaziland and the legislation concerned*", by B. H. Dening.

however framed in a manner to make this possible, and much of it is in any case out-dated and unsuitable to modern conditions. Accordingly, amendments are to be made to other laws or new laws are to be enacted so that normal local authority services can be extended and provided in any part of the country.

Amongst the more important results of this change in approach will be a new Public Health Act which for the first time will enable public health standards to be enforced by local authorities or medical officers of health not only in urban areas, but where necessary in other areas as well. A new Building Act has now been passed which will make all buildings, other than purely private residences in rural areas, liable to conform with minimal building standards set out in regulations which will be administered by local authorities. Separate legislation is to be enacted to provide for public water supplies and sewerage schemes, so that the provision of these services is not dependent on the establishment of an urban administration. Apart from giving greater flexibility and making the laws generally easier to understand and implement, these new laws will be a major step towards establishing local authorities as an integral part of the national system of administration and this should lead to a greater understanding of local government. They will also help to distinguish between local and central reponsibilities and interests in both rural and urban areas. However, until such time as local government bodies are established in rural areas it will be necessary to recognize the District Commissioner, or possibly some other officer, as the statutory local authority in those areas, a system for which there is precedent in many other countries.

The new Urban Government Act will deal essentially with the purely administrative aspects of urban local authorities and provide the machinery for their operation. It will provide for two categories of town, namely independent municipalities and those to be more directly administered by the government. The former will have town councils, which will be corporate bodies entirely separate from government, whilst the latter will have town boards or township authorities which will be little more than agencies of the central government, but they will be vested with limited powers and duties and so become responsible for administering their areas within those limits. The purpose of this approach is to bring the administration of all urban areas under a single law and at the same time provide for the smaller towns to be run along the same lines as independent municipalities, so far as is possible, and to enable the administrative and financial structure required by an independent authority to be built up gradually as the town itself grows in size and wealth. When it can be seen that a town has the resources and capability to exist as a separate unit, its transition into full municipal status can then be accomplished smoothly and without difficulty. In this way the sudden jump from direct rule to independence can be avoided and proper preparation can be made for the change.

The new law will be drawn up along orthodox lines and designed primarily for independent municipalities. It will however be framed so that it can be applied gradually to other towns as and when circumstances warrant this. Since it is a law intended to cover the period when local government is being established and developed, it will give the Minister responsible extensive

powers to supervise and control any local authority established by him, so far as he considers this necessary. Where an authority is functioning properly the exercise of these powers will be more or less a formality, but when things start to go wrong he will be in a position to intervene. The new law will also make provision for uniformity of procedures in the conduct of business, staff matters, and in financial and accounting matters, since this simplifies training and improves efficiency where experience is lacking. It is also the quickest and most effective way of establishing standards of practice whilst local government is still in the formative stage. Apart from making various actions subject to the Minister's approval or consent as at present, the new law will also make it possible to operate an effective system of inspection which will assist the Minister to exercise his responsibilities by keeping him informed about the way local authorities are functioning.

As the first step in the general revision now contemplated, a new Rating Act was passed in 1967 and came into operation in January, 1968. This Act has consolidated the whole process of rating and valuation into a single law which can be applied to any urban area. Previously this was split between two laws and rates could only be levied by a duly established town management board. The process of valuation has been considerably simplified and a number of anomalies in the old law have been rectified. The structure of the law makes valuation a central government responsibility, but otherwise makes the local authority entirely responsible for all aspects of rating, subject to the Minister's approval of the actual rate levied each year. The method of rating is partly on site value and partly on the value of improvements, but the law permits a local authority to adopt other methods with the consent of the Minister. Although this Act is at present only applied to Mbabane and Manzini, it is now possible to rate the smaller towns whilst they are still directly administered by government. This will establish at an early stage not only the principle that those who benefit from urban services must contribute to their cost, but it will also go a long way towards providing the funds needed to extend and improve services as a town grows, and so help to develop it. Rating is also an essential prerequisite to the establishment of an independent authority since it makes it possible to build up its financial structure on a viable basis in preparation for its change in status.

The intention behind the extensive revision of the legislation described in the preceding paragraphs is to simplify and rationalize the present conglomeration of laws and regulations and to bring them up to date, and also to provide a series of laws tailored to meet the needs of Swaziland and which will be easy to understand and implement. The new legislation should then provide a suitable framework on which a sound system of local government can be established and developed in the urban areas of Swaziland, and in which Swazis can learn to play their full part. Whilst the new legislation is not aimed at introducing innovations, the opportunity is being taken to incorporate some new ideas and to face up to some old problems.

The most far reaching change contemplated is the introduction of the management committee system, or management board as it is called in the Maud Report[2], in place of the old established committee system. The

[2] "*Report of the Committee on the Management of Local Government*", published by H.M.S.O. in 1967.

effect of this will be to replace the present multiplicity of committees by one small executive committee which is responsible for the whole field of a local authority's activities. This enables a local authority to take a properly balanced and co-ordinated approach to its work. On the official side, the town clerk is clearly recognized as being the head of the authority's paid service, and all heads of departments become responsible to him and not to various committees. He is in effect the manager and occupies a very different position from the old type town clerk whose position was merely recognized as being *primus inter pares*. The functions of the management committee are set out in the law, as are the duties, powers and responsibilities of the town clerk. Whilst there is a natural reluctance to accept these changes, particularly in the case of officials schooled in the old traditions, the system has been found to work well where it has been adopted. It is not intended to rush into its adoption in Swaziland, and the new law will be drafted so as to allow the Minister to introduce the change when he considers the time for this has arrived, and when sufficient preparation has been made for it.

The future

Apart from proceeding with the general revision of the legislation affecting local authorities, it has also been decided to re-constitute both Town Boards with a view to increasing Swazi representation and to enable government to appoint as members people who could contribute to the proper functioning of the Boards, but who are either unwilling or unable to stand for election. Whilst elected members will remain in the majority, their numbers are to be reduced. On the staff side, an examination is being carried out so that it can be seen more clearly than is at present possible just what staff are needed, and how they should be trained and recruited.

Looking to the future, the new legislation on its own should not be regarded as a panacea for all the problems and difficulties which have been experienced in establishing urban local authorities. The sound development of local government will depend to a great extent on those whose duty it will be to implement the legislation, both as officers and councillors, the establishment within government of an adequately staffed local government section and ensuring that local authorities can obtain the finance they need to operate effectively. Apart from getting the legislation right, there are many other problems which will take time, patience and understanding to resolve. Some of these result from going too far, too quickly. Others arise simply from the small size of the country and its limited financial and manpower resources.

Community Development and its Relation to Development Planning

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PRIOR to independence in the former British dependencies in Africa, community development had an eventful history in the development process. Starting as a method of obtaining the involvement of rural communities in minor development projects, the organization of community development achieved, through national, regional and international conferences, a theory that at its worst approached a theology with appropriate dissenting groupings and at its best provided a serious contribution to accelerating rural development.

Definitions of community development abound. At a recent conference held by the South Pacific Commission in Suva no less than 14 definitions were listed by a speaker on community development. In the last analysis all the definitions were concerned with varying degrees of refinement to describe a programme through which communities can formulate their most pressing needs and devise their own working solutions to meet these needs, aided by Government only to the extent that local and human resources were inadequate for a community solution. The accent in this process throughout being on community initiative and community leadership.

Programmes under the broad heading of community development have evolved and experimented with techniques which are now gaining international acceptance. Some examples are vocationally directed literacy in Ghana, the start of multi-purpose Rural Training Centres in Uganda, the use of "base line" or "bench mark" socio-economic surveys in Kenya for the purpose of measuring and evaluating the process of change, the use of integrated mass media in extension campaigns, and the effective use of women's organizations in the rural areas as agents of change.

Whilst the basic principles of community development are easily described, the application of these principles in a given situation can be enormously difficult. Hence, successful national programmes of community development invariably were serviced by skilled staff with a continuous programme of in-service training.

Again, successful programmes of community development always demonstrated a high input of adult education, using the term in its widest sense to include the teaching resources of other extension departments.

Relevant to the development process at this stage, and given the resources then available to departments of community development, a considerable degree of success was achieved in involving communities, through self-help projects, in development and easing the stresses of rapid social change by a

continuous adult education programme for community leaders.

Whilst there were considerable administrative problems facing those who attempted to gear community development to the established administrative machine, there can be little doubt that there did exist considerable evidence of community development emerging as a popular movement concerned with participating in development in the rural areas of the countries concerned.

With the achievement of independence of the former British dependencies in Africa, community development received, initially at least, a considerable boost, in terms of available finance and staff. The African politicians saw the value of community development as an organization meeting expressed needs in the rural areas at marginal cost to Government. Indeed, in the early years of independence it is difficult to see how the volume of expectation could have been met by any other form of development.

Coinciding with independence was the introduction of the sophisticated techniques of development planning. All former British dependencies, now independent States in Africa, have their development plan often drawn up with the assistance of highly skilled and experienced economists who are usually seconded to the Government concerned through some form of technical assistance, either on a bilateral or multilateral basis.

Development planning is now generally considered to be a hallmark of good government and in most of the developing countries a Ministry of Economic Planning or a Planning Department is as much a mark of independence as is many a national emblem.

In the majority of development plans the economist, as the prime mover in development planning, is concerned with ascertaining the inputs necessary for a given output in production. More often than not, the framework of the development plan sets certain national targets and balances the demands and supplies of the economic resources required to achieve them.

The implementation of planning, of course, in the developing countries is circumscribed by the scarcity of capital and the lack of highly skilled personnel in the administrative and professional fields. These factors taken in total tend to generate development schemes which are rigidly defined and which call for their direct administration by professional managers in an attempt to bring such schemes to a successful completion.

In certain areas of development planning rigid control is a necessity and given the availability of the necessary data the input/output equation works with a remarkable degree of precision. A fairly obvious example is in the field of major lines of physical communication. Harbours, docks, airports, trunk roads, line of rail development, ideally lend themselves to this type of planning. There are, of course, other areas where this type of planning is well suited.

However, all areas of development are not so well suited to the input/output equation. Again, major development schemes cannot possibly cover the entire country and there will be many regions in the rural areas which will not achieve priority in development planning. It is in these areas in particular that voluntary effort, through some form of community development organization, will be the only immediate feasible development. The problem that confronts the administrator is how to gear community development with directly administered schemes of development. This problem is

not merely of academic interest; it is a problem that exists and continues to grow in intensity as development planning extends into the areas where voluntary effort, through some form of community development, is at its strongest. A fairly typical example of the working out of this problem can be taken from Kenya. In Kenya on the achievement of independence, the Department of Community Development, which had been set up in the colonial era, was reorganized, given new objectives, better staffing and financial resources and, what is important, given considerable political backing by KANU. The new Department, with political backing, developed a voluntary movement which is now nationwide, is concerned with initiating schemes for community betterment, supported by voluntary labour and based upon the expressed needs of communities.

The Kenya Economic Survey for 1968 refers to the fact that self-help schemes in the country have made an increasing contribution to capital formation – at a very conservative estimate, from £K0.6 million in 1964 to £K1.93 million in 1967. The Ministry of Co-operatives and Social Services, *via* its Department of Community Development, has kept a careful account of self-help in 1967 in terms of labour, materials and cash expended. The labour provided voluntarily on self-help schemes was converted to a cash equivalent of 30 cents an hour for such skilled work as carpentry, masonry, plumbing etc.: materials and equipment were valued at purchase prices. It is this kind of detailed costing which provides the figure of nearly two million pounds of capital formation in a single year. It comprises schools, health centres and dispensaries, community halls, youth centres, club premises, nursery centres, teachers' housing, kitchen building, latrines, roads, bridges, dams and water catchments, fish ponds, wells, spring protection, piped water supplies, irrigation and water furrows, cattle dips, sports grounds, tree planting, hedging, bush clearance and fencing etc. Government contributions to this work (apart from Community Development staff) amount to £K 75,000 in 1968–9, i.e. rather less than ten shillings per project. The heaviest concentration was in schools, health centres, dispensaries and nursery centres with rather less attention being paid to piped water supplies, wells, cattle dips, irrigation and consolidation schemes.

By any standards, the list is impressive. *Completed* projects in 1967 included 1,148 primary schools, 70 secondary schools (another 170 in course of construction), 90 health centres and dispensaries (another 226 in course of erection), 1,869 teachers' houses, 1,233 separate kitchen buildings, 4,113 latrines, 969 nursery centres (another 1,071 in course of construction), 3,823 miles of roads, 324 bridges, 196 wells, 37 piped water supplies, 141 cattle dips and 1,510 fish ponds. Schools and health centres constructed by self-help are greatly outstripping the Kenya Government's capacity to staff and maintain them: many are run by self-help committees themselves.

Self-help obviously has an enormous potential for the improvement of environmental health (by piped water supplies, separate kitchens, latrines etc.), and the prevention of disease, for various kinds of veterinary work (cattle dips, hedging and fencing etc.), for agriculture (bush clearance, terracing, consolidation, cultivation and weeding), for small-scale industry in craft training and the development of entrepreneurship and for infrastructural improvement (roads, bridges, housing, dams, etc.).

There are other countries which can point to a record as good as Kenya's in the field of voluntary effort. The available evidence clearly points to the fact that when voluntary effort is supported by skilled staff, given political support and some pump priming on the part of the Government concerned, then a national voluntary movement can be organized which lends great impetus to the development process and taps a rich resource common to all developing countries. Nor can all the rewards of people's participation be quantified and expressed in monetary terms. The people of the developing countries are experiencing social change at a rate unprecedented in human history. Traditional societies which have endured for a thousand years on the basis of mutual obligations within a small closed community; whose incentives have been based upon the good performances of obligations to the extended family and to the tribe, now find their old values ripped apart by new ideas and new opportunities expressed in obligations to the beginnings of the nuclear family as a social institution and obligations to the new nation-state. Participating in the development process by defining local community needs and working voluntarily to fulfil these needs is assisting people to adjust to the new social situations that confront them and is strengthening the institution of local government which is so essential to the modern state.

Whilst it is almost self-evident that voluntary effort has so much to offer that it cannot be ignored as a factor in the development process, it still must be recognized that on the surface at least it appears to be diametrically opposed to the concept of national development planning. Where voluntary effort has been successful it has had its main motivation in the fact that work programmes were determined by the people themselves and priorities set by the people themselves in relation to what they saw as their expressed needs. Economic planning on the other hand, concerned as it is with the equation of given inputs in relation to certain national targets, does not take into account the priorities of local communities and is largely concerned with the maximum national targets chosen at the centre. The central problem then is, can voluntary effort be reconciled with national economic planning and if this is possible how can such reconciliation be effected?

There are indications that national economic planning can gear this huge resource of voluntary effort to national plans for development providing certain conditions are fulfilled. The essentials appear to be that in certain areas of development, and one in particular is rural development, planning is decentralized and concentrated upon regional problems or sub-regional problems. This process of decentralization makes for much closer association between planners and people and takes into account local aspirations and local goals. Indeed, removed to regional or even better sub-regional level, the economic planner might be tempted to formulate his questions rather differently and not try to set all targets centrally but ask the question "What are the hindrances to development?" From asking this question "What are the hindrances to development?" a whole series of very different answers may arise, some of them, one may hope, pointing to the necessity of adjusting development planning to take into account the massive support to the development process that can be obtained through voluntary effort.

Again, it would appear that development planning, in order to gain the support of local communities, must be expressed in detail and that this

detail should extend down to sub-regional level. In other words, the development plan for a sub-region must be able to show not only the number of development schemes formulated for the sub-region but must also show the location, the expected date of commencement for the scheme and the area that the scheme will cover. A list of development schemes, their capital cost, recurrent cost and projected date of commencement is important. Together with a detailed breakdown of the development plan for a sub-region there might also be an attitude of mind on the part of the development planners to take into account the aspirations of local communities within the framework of planning and a readiness to alter the priority of certain development projects, even the siting of social service projects, health centres, secondary schools, etc., in response to a sub-regional consensus of demand.

Not all the adjustment is required on the side of the economic planner. Some adjustment is necessary on the part of the community development worker if voluntary effort and national development planning are to be co-ordinated. There is a tendency for workers in the field of community development to appear as though they had just come down from Sinai with the tablets and to assume that their philosophy of development is the final and absolute word. This is not so. They too must recognize that in the modern developing countries development planning has come to stay and will set priorities in certain areas that are essential to the economic and social growth of the new nation.

It is suggested that when national planning breaks down into detail the plans for a sub-region then the community development officer should endeavour to publicize and interest people in the projects listed, create understanding of the logic of the choices and why certain things have been chosen, and examine means and ways by which local communities can aid through voluntary effort the speeding of development within their area by supporting projects already planned. Obviously this involvement of communities with schemes of national importance cannot be the sole task of the community worker.

If he is to be successful as a social engineer then he must continue to help communities to express their needs and assist them by finding resources from within and without the community in order to make their expressed needs an immediate realizable goal. As most communities are, in the initial stages of development, concerned with minor schemes of improvement, such as the provision of simple schemes of piped water, the improvement or construction of feeder roads, the improvement or construction of primary schools, etc., it is suggested that there would be a host of such minor schemes outside the main stream of development planning which communities could be engaged in without disturbing the progress of the development plan in their area. From this base of confidence on the part of local communities, and with detailed knowledge of the development plan for the area, the community worker might well be able to demonstrate the advantage of group voluntary effort in suitable projects within the development plan and still maintain the enthusiasm for voluntary effort. However, without the means of meeting some of the expressed needs of communities it is impossible to see how the community development worker could maintain the enthusiasm for voluntary effort on the part of local communities.

The suggestion that the community development officer must become a link between the development planner and the communities involved means a significant change of emphasis in his work. It would mean he moves from the basic principle of community development, that the expressed needs of the community are his sole concern, to the position where he projects development planning within the community and encourages support for planned projects. In this role he will no longer provide a one-way method of communication, upwards from the community to the district authority, but he will as well provide a means of communication from the district authority to the community. In his new role the community development officer will obviously have to combine a great deal of adult education, in its widest sense, and to be concerned with the education of opinion-forming local leaders. This is not an impossible situation as experience in the field has demonstrated time and again that ideas through adult education need to be fed into communities as well as communities expressing their own immediate priorities. It is conceivable that in the future the community development officer will require deeper training for this type of work and will tend to become more specialized in his approach to problems of social development. Again, present trends point to the fact that national programmes of community development reflecting a centralized approach will break down and that in line with development planning community development will be directed and administered at the local rather than the national level.

If the present trend of decentralization in development planning continues, then it would appear that the local authority must play an increasingly larger part within the development process and will have to be strengthened as an institution in order to play this role. As sound local government depends upon the involvement and participation of people for effective administration, it would appear logically to follow that the community development officer might well become a local authority officer and be responsible to this authority. In some countries, where national programmes of community development were organized, it became evident in a fairly short space of time that a great deal of decentralization was necessary in order to devise meaningful local programmes and with increasing experience the degree of decentralization became such that effectively a national programme of community development, in the true sense of the word, disappeared. Increasingly the function of the Ministry responsible for community development became that of an advisory service with responsibility for national training programmes and the establishment of national standards.

Present thinking on rural development highlights the need for an integrated approach by all departments of government and agencies in the development process. This is sound doctrine which needs practical expression in the field. However, it must not mask the fact that accelerated development demands, amongst other ingredients, the active participation of communities, and to revert to doing solely what is thought by planners and administrators to be good for people would be a retrograde step. The firm association of community development, in its broadest sense, with local authorities would appear to be a step in the right direction.

Quarterly Notes

BRITAIN – *Land Registration*

At the Commonwealth Survey Officers Conference held at Cambridge in 1967 a recommendation was made that an up-to-date and authoritative text on the principles and practice of land registration, including a comparative analysis of the various systems now in operation should be prepared.

Convinced of the importance of land registration in land administration, development and conservation and of the need for a comprehensive up-to-date book on the subject, the Ministry of Overseas Development has made a grant to finance a research project to enable the latest information on the subject to be obtained with a view to preparing a completely new authoritative text. Arrangements have been made for the research work to be undertaken by special staff of the Department of Land Economy in the University of Cambridge.

The Ministry has convened a Steering Committee to assist and advise the research staff and to ensure that the research study will provide the information which the Committee considers should be included in the proposed new work. This Committee consists of persons who have specialist knowledge of the subject and who have had wide experience in land registration in different countries. Its Chairman is Mr. S. R. Simpson, Land Tenure Adviser to the Ministry of Overseas Development and for many years Commissioner of Lands and Registrar-General in the Sudan.

The aim of the Steering Committee is the production of a new textbook designed to cover the basic principles and practice of registration. The salient features of modern systems will be critically examined and analysed with particular regard to their suitability for developing countries. Special emphasis will be given to countries whose land administration processes were derived from British sources. There will be reference to the likely effect of computers and other electronic data processing equipment on the survey and bookkeeping techniques involved in the general process of recording land titles. The book will be designed to meet the needs of persons responsible for the introduction and operation of systems of land registration, and to be of value to legal and survey practitioners and to persons advising governments on land policies, land administration and land legislation. It is intended, also, that the book shall serve as a textbook for students studying the wide range of subjects connected with land and land administration.

The research study is expected to take three years during which time the much needed new authoritative text book will be drafted into its finalized shape.

UNITED STATES – *African City Government*

A Conference on the Government of African Cities was held at Lincoln University, Pennsylvania, 18-19 April, 1968. It was the third such annual

conference held by the Institute of African Government – the others being on the topics of African Local Government since Independence, and Rural Transformation and African Government.

Main problems discussed were urbanization in Africa and its impact on city government, evaluation of certain local functions in African cities and their metropolitan areas, evolving relationships between the national and city governments and administrations, and problems of organization and structure in African city governments.

Discussed in detail were the administration of justice, modern court systems developing in Africa, the financing of essential local services, the lack of interest of African citizens in their local government, the lack of trained manpower, the evaluation of local governmental services, government-to-government aid as it relates to African local government, the extent of urban poverty, central control over local government in the former French areas, and the development of African bureaucracy.

ALBANIA – *Local Government in Tirana*

The primary organs of local government in Tirana are the District People's Councils. Tirana is divided into ten districts (roughly equal in population and size) and elections for the district council occur every three years. Suffrage extends to all residents of the district over eighteen years of age. Candidates are nominated by local organizations of the Albanian Party of Labour or the Democratic Front. The Democratic Front incorporates vocational and professional organizations, trade unions, women's organizations, youth clubs, cultural and recreational association. Similar arrangements are made for the election of the People's Council of Tirana, which has ninety-five members.

Formal meetings of the councils are short and normally occur once every quarter but there is provision for emergency and extraordinary sessions should these prove necessary. The councils elect Executive Committees which supervise the day-to-day work of local government in the town or in their respective district of it, and also elect a Secretary and Praesidium to arrange agenda for council meetings and make other formal arrangements for the Council and its commissions.

Priorities

As in Britain, a predominant influence on the determination of priorities is the central government, but by comparison with British municipal authorities that of Tirana appears to enjoy no legal autonomy. Articles 92 and 93 of the constitution provide that the Praesidium of the People's Assembly may annul every unlawful or irregular act of the People's Councils or even dissolve them. The government may do likewise in respect of the executive committees. These articles are in the spirit of the general formal supremacy accorded to the People's Assembly throughout the constitution and the practice of "democratic centralism" that is general in both communist parties and communist systems of government.

Executive committee

Most members of the Tirana Executive Committee, once elected, are engaged full-time on local government work. The work of the Tirana

municipality is organized on the basis of fourteen sections; the size of which varies so that not all are headed by members of the executive committee and some particular sections are the concern of two or more members. Cultural, sporting and entertainment matters are, perhaps, by contrast with British arrangements, a major concern of local government authorities and executive committee members are aided in this field by permanent Inspectors of Culture. The title translated into English has a somewhat pretentious ring but the inspectors are mainly former secondary-school teachers who could expect to return to educational or cultural posts with the central government after a period in local government. A similar position appeared to exist in other fields; for example, surveying and engineering, and public health. It appeared true even in regard to general administrative posts that the local government officer was a bird of passage whose expertise lay in a technical service rather than a level of administration.

Functions

Housing, town planning, primary education, which includes nursery schooling from age four to seven years, and elementary schooling from age seven to eleven years, and secondary education up to age fourteen, public health and communal services – street lighting, public health, parks and so on – are local authority services.

The bill for education and health services is met entirely by the central government, and central government subventions account for approximately one-quarter of the annual financial resources of the Tirana municipality. The remaining 75 per cent is made up by tax revenue, receipts and payments. The great majority of local taxes are levied on the incomes of both individuals, and industries and retail trade; though taxes on the former were said to be low and represented only 1 per cent of the total local tax revenue. The income of retail trades were assessed on a turnover rather than a profit basis. Payments to the municipality included rents, charges for domestic lighting and water supply, and fees for some entertainments and cultural and sporting events.

(Summarized from an article by John Sabine in the *Municipal Review*, May, 1967.)

GHANA – *Research Unit for Adult Learning*

A research unit on Adult Learning to investigate and establish new and improved courses of education for adult students in Ghana has now been set up at the Institute of Adult Education of the University of Ghana at Legon.

The Research Unit, which has financial support from the Ministry of Overseas Development, is designed to investigate four main sets of problems:

(1) The sociological background and social functions of Adult Education in Ghana;

(2) how to recognize the latent ability among adults whose academic and communication skills have been undeveloped;

(3) the difficulties and obstacles to learning encountered by such adults and what methods of organization, types of course and methods of teaching can help them overcome such difficulties;

(4) the best means of training adult educators, i.e. people who are to plan, organize and guide those processes of adult learning at all levels.

INTERNATIONAL – *Union of Local Authorities* 1968 *Annual Report*

The Executive Committee of I.U.L.A. at its 1968 annual meeting, adopted the following recommendations:

(a) the Public Health Committee, the Education and Cultural Committee, and the *ad hoc* Social Committee will be abolished;

(b) efforts will be made to come to an agreement with the Council of European Municipalities so that European activities can be rationalized and, eventually, reduced;

(c) as of 1969, a start will be made with the publication of analytical reports on subjects of topical interest to member associations;

(d) before the end of 1970, a regional conference or seminar will be organized outside Europe;

(e) research activities will be continued and, if possible, expanded;

(f) the organization of international courses will be continued (and possibly expanded);

(g) the efforts to increase IULA's contacts with countries in Eastern Europe should be continued;

(h) more time and energy of the IULA Secretariat are to be devoted to study conferences and seminars on subjects of current interest to members.

AMERICA – *A Modified Ombudsman*

The City Council of Savannah, Georgia (population 141,000) have modified the classical Ombudsman concept and created the position of Community Service Officer. His duties are to receive, investigate and resolve citizens' complaints about the operation of their local council; to act informally and expeditiously; and to act, in a staff capacity, exclusively for the City Manager, to whom he reports.

(Source: I.U.L.A. Newsletter, January, 1969.)

CANADA – *Antidote for Apathy*

Business, government, private groups and individual citizens in the Canadian province of Ontario have joined in a co-operative venture to promote education in municipal affairs. Known as the Ontario Conference on Local Government, the scheme was established in 1966. To date it has attracted nearly a thousand participants, including not only citizens who have gone back to school to learn the "who, what, when, where, why and how" of local government, but nearly 200 local government officers and private citizens who are giving their own time as lecturers, panel members and discussion leaders. The project has caught the interest of the public and the scheme is rapidly spreading.

(Source: I.U.L.A. Newsletter, January, 1969.)

KENYA – *Integration of Courts and Application of Customary Law*

Kenya has finally caught up with its East African neighbours, Uganda and Tanganyika, in substituting for its parallel or dual system of courts, a fully integrated system. The Magistrate's Courts Act, 1967 abolishes the African Courts and the other courts to which appeal lay from African courts and creates a three-tier hierarchy as follows:

(a) District Magistrate's Courts

(b) Resident Magistrate's Court

(c) The High Court

In addition, the old subordinate courts known as "Muslim subordinate courts", i.e. courts of Kadhis, Mudirs and Liwalis, have been abolished. Instead, the Kadhi's Courts Act, 1967 establishes six Kadhi's Courts in pursuance of s.179(3) of the Constitution.

Two general matters are significant under the new system. In the first place, all courts have jurisdiction over all persons irrespective of race. Under the old system, African Courts only had jurisidiction where the parties were Africans. In this respect, the position is now the same as in Uganda and Tanganyika. Secondly, there is no restriction on legal representation, so that advocates may appear for a party before any court. In this connection, the position is the same as in Uganda, but different from Tanganyika where "no advocate or public prosecutor may appear or act for any party in a primary court."

[Extract from Eugene Cotran's article in East African Law, 1968 (1/2 14/20).]

INDIA – *Regional Centres*

In addition to the Centre for Training and Research in Municipal Administration, which started functioning as the National Centre from December, 1966, as part of the Indian Institute of Public Administration, New Delhi, the Government of India (Ministry of Health, Family Planning and Urban Development) started three more Regional Centres at Lucknow, Bombay and Calcutta from February-March, 1968. The objectives of the Regional Centres are (a) to organize training courses for middle and junior-middle level employees of the urban local bodies; (b) to hold seminars and conferences on municipal problems; and (c) to undertake research on urban problems in relation to municipal administration. The Regional Centres will also have a library and act as clearing houses of information on urban local government for their regions.

Book Reviews

OMBUDSMEN, by GEOFFREY SAWER, *Melbourne University Press,* 2nd ed., U.K. agents Cambridge University Press; pp. 50; 9s.

This solid and scholarly pamphlet was published first in 1964, as a brief to the Australian political public about the origins and impact in New Zealand of the *Parliamentary Commissioner (Ombudsman) Act,* 1962. New Zealand was the first English-speaking country to copy this Scandinavian institution. The corresponding British statute was not passed till 1967, and we therefore come in the second wave, along with Guyana, Mauritius and (in Canada) the Provinces of Alberta and New Brunswick.

Probably the movement has not yet reached its peak, and it is too early for a general assessment of this new example of the export trade in political institutions. The additional chapter in this edition brings the story to about the end of 1967. The pamphlet as a whole is written with Professor Sawer's customary lucidity and precision, and it is certainly for overworked students of Ombudsmanship the best buy in terms of page space. Inevitably, there are gaps, but Professor Sawer's fifty pages carry real weight.

Professor Sawer's summing up is that there is certainly a need for further safeguards against bureaucratic action in "post-industrial" societies – including Australia: that the best answer would be to set up "a *Conseil d'Etat* type of administrative law system; that the most likely outcome in Australia, in face of complex cross-pressurers, is that an Ombudsman or Ombudsmen will in the end be appointed: and that the device is likely to be useful only in countries where "the government is in any event reasonably competent, honest and stable" (p. 49).

It should be noted, as an interesting speculation about growing pains in the law, that Professor Sawer writes of "Ombudsman's jurisprudence", the rules that can be extracted by an analysis of decided cases. He is himself anxious that the office should not "become hedged in by self-developed rules as did the originally wide discretion of the English Lord Chancellor". But one might add that outside Scandinavia the institution has been adopted only in countries which lack adequate systems of administrative jurisprudence: it is quite likely that there will arise a diversity of Ombudsmen, some moving to fill this legal gap, others continuing to act as extra-legal tribunes of the people.

W. J. M. MACKENZIE

LAND REFORM IN THE KIKUYU COUNTRY, by M. P. K. SORRENSON. *Oxford University Press,* 1967 on behalf of the East African Institute of Social Reserch. 266 pp. 20s. (East Africa) 35s. (U.K.).

For the last fourteen years the Kenya Government has been actively engaged in a programme of land reform of a magnitude unparalleled elsewhere in Africa. There are two distinct aspects of this reform: first, the settlement of Africans on farms formerly owned by Europeans in the Highlands, and

second, the conversion of customary rights to land in the former Native Land Units to statutory registered titles, a process which in some areas also involves consolidation of fragmented holdings. *Land Reform in the Kikuyu Country* is concerned only with the second of these aspects of reform and, as its title implies, is confined to the three administrative districts which comprise Kikuyu country.

It was in these districts that the land reform programme started in 1954 and where the results have been most spectacular. Within the space of five years more than one million fragments held under customary tenure were re-arranged into some 135,000 consolidated and registered holdings. The remarkable result was achieved in the exceptional circumstances of the Mau Mau emergency at a time when adequate funds and staff under the Swynnerton Plan were available to ensure the maximum agricultural exploitation of the land reform measures. These conditions are unique and the land reform programme in Kikuyuland certainly merits separate treatment. Nevertheless, it should be remembered by those not familiar with the Kenya scene that the reforms in Kikuyuland now form only part of a very much larger national programme.

The programme in Kikuyuland is already comparatively well documented; in particular, there are available the reports of two major official appraisals* and several articles in the Journal of Administration Overseas. The latter were, however, for the most part written by officials who were themselves intimately involved in the programme and passionately concerned for its success. This is the first major study by an outside observer. The author gives to his history the sub-title *A Study in Government Policy* and the book provides a fully documented case-study which will be of immense value even to those who are not intimately concerned with land reform.

The history is based entirely on Kenya Government documents to which the author appears to have had exceptionally free access. As his subject is confined to three districts there is a consequent wealth of exciting detail and a liberal reference by name to many of the protagonists, even those in comparatively humble office. The work inevitably suffers to some extent from the disability which faces any historian of very recent events. The account is frank and fair, but it is at least doubtful whether some of the judgements will stand the test of time. In particular, future historians may form different conclusions as to where blame or praise should be apportioned. In this account there is a tendency to single out senior members of the establishment, particularly certain Governors for blame; the Colonial Office too by inference shares their guilt; in contrast, field officers, particularly district commissioners and land consolidation officers, tend to assume heroes' guise. A more penetrating evaluation is required than that provided (page 91) of the part played for good or evil by Kenya politicians.

The arrangement of material is admirable. The book is divided into three parts. The first, entitled *Years of Indecision*, 1895-1952, contains chapters on Kikuyu land tenure and origins of the Kikuyu land problem which cast

* *Report of Working Party on African Land Tenure* 1957/1958, F. D. Homan, Chairman, Government of Kenya, 1958.
Report of the Mission on Land Consolidation and Registration in Kenya, 1965/1966, J. C. D. Lawrance, Chairman, Government of Kenya, 1966.

doubts on several popular conceptions. For instance, rights in land evolved from individual to communal rather than in the reverse direction, and sales of land have existed from the very earliest times. This part also contains a useful account of the conflict of view in official circles on the relative merits of individual and communal tenures. It was this conflict of view which was in large part responsible for failure to take decisive action.

The second part is entitled *Years of Decision* 1952-1960. It contains a detailed account district by district of the land consolidation programme. The value of separate treatment in such detail may at first sight appear to be slight. It does, however, emphasize one of the most astonishing aspects of the Kikuyu land reform, namely that in the early stages it was individual district commissioners, acting often without central direction, who shaped the programme and gave it its impetus. Consolidation was started by the district commissioner in Nyeri in 1953, in the two other districts in the following two years and only at the end of 1955 was it adopted as provincial policy and later still as central government policy. The initiative clearly came from the field (page 119) and in those early days this initiative was not to be thwarted by contrary directions from headquarters; instruction by the Chief Commissioner to prevent the start of consolidation in Nyeri was in Nelson-like manner ignored (page 122). The chapter on *Registration of Titles and Land Control* illustrates another extraordinary feature of the Kikuyu land reform programme, namely that full-scale consolidation operations started before there was any legislative backing whatsoever. The value of this chapter is, however, reduced by the fact that the author had access only to Kenya Government papers, whereas many of the events described were governed by Colonial Office attitudes to the legislation in question.

The last part consists of the author's conclusions arranged under three aspects: legal, agrarian, and political. The chapter on the *Politics of Land Consolidation and Registration* is particularly valuable, as other writers have almost invariably completely ignored this aspect. Yet in some ways this part of the book is disappointing. The success or failure of the land reform programme should not be judged by agrarian aspects only. The experimental value of the reform has been ignored; techniques of consolidation and registration evolved in Kikuyuland were of immense value to later work in other parts of Kenya and elsewhere in the world. The social aspects of the reform too are given no separate treatment and are sketchily covered.

In the chapter on "*Land Consolidation and Registration as a Basis for an Agrarian Revolution*" the theme is one of "the almost total failure of plans for the agrarian revolution" (page 227). This judgement is a matter of opinion. As the British/Kenya Mission on Land Consolidation and Registration 1965/66 discovered, it is virtually impossible to assess the agrarian results of the land reform in quantitative terms. The very mention of the word "plans" suggests an official, prepared programme with specific targets of inputs and outputs; but no such plans existed. Various officials from time to time hazarded views, which were often proved wide off the mark by subsequent events, on the likely results of the land reforms, but these views do not constitute "plans". This chapter suffers particularly from the fact that the events described and their results are so recent. Moreover the Kikuyu land reform programme cannot be regarded in isolation, even though the circum-

stances of the emergency give it a unique position. It would have been a brave historian who would have attempted to assess the effects of the Industrial Revolution in England within a few years of the introduction of the first machines. Nor can the results of the Industrial Revolution, even today, be judged in terms of failure (or success) of its planning. Even if the agrarian revolution in Kikuyuland failed to materialize or if the admitted benefits are "relatively minor" (page 228) – and both are highly debatable points – the programme of land consolidation and registration cannot thereby be condemned as a failure, for as the author points out (page 235), consolidation was never regarded as providing more than the *opportunity* for the agrarian revolution.

More time must elapse and further study must be made before any particular judgement on the agrarian aspects of the land reform in Kikuyuland can achieve general acceptance. What is certain is that *Land Reform in the Kikuyu Country* provides an interesting and vital basis for these future studies.

J. C. D. LAWRANCE

RESEARCH STUDIES 7, ASPECTS OF ADMINISTRATION IN A LARGE LOCAL AUTHORITY, by the INSTITUTE OF LOCAL GOVERNMENT STUDIES: *H.M.S.O. London,* 1968; appendices; pp. 208; 17s. 7d.

This study of a large local authority was made at the request of the Royal Commission on Local Government in England by a research team from the Institute of Local Government Studies at Birmingham University, with the full co-operation of the City of Birmingham four of whose departments (children's, education, housing and public works) were examined.

Since the development of modern local government in the nineteenth century Birmingham's repute as a leading local authority has always stood high; it is not therefore surprising that this study, overall, reflects a very satisfactory state of management.

This is no picture of a cumbersome monolithic body, rather the very size of Birmingham with its million citizens, with some departments larger in terms of staff than many complete authorities, has been to its advantage. It has engendered loyalty and continuity of office-holders, pride in serving a large powerful authority where economies of scale apply and chief officers can speak to their Whitehall counterparts on a basis of equality, an ethos where informal inter-staff and staff-councillor relationships have prospered.

Principally to meet the convenience of the public, mini-town halls are suggested as a further needed step in decentralization – notwithstanding the cost and likely administrative complications. A compromise suggested if this does not prove possible is for a number of information department check point offices to be opened in the various zones of the city. On delegation, no more is put forward than that the signing of letters below chief officer level should be extended. On specialization and training the study emphasizes that "the more an authority attempts to overcome the problem of scale by the delegation of responsibility and the more it takes advantage of the possibilities of specialization, the greater are the problems of co-ordination, communication and control . . . it is a question of balancing these opposing forces."

The Chairman of the authority and the Town Clerk are, of course, the main co-ordinators of council action, and successful co-ordination through the system, as in any organization, depends to a large extent on the close personal relations maintained between officers – if these are as good in other urban authorities as in the Birmingham departments studied here, then the health of English local government cannot be nearly so poorly as is commonly held in this era of self denigration.

Attention is drawn to the enormous amount of paper work involved in preparing reports etc. for Council Committees – but, and we hope the Royal Commission will have noted carefully, the amount of documentation and detailed cases referred to committees and in particular to their chairmen (even in respect of minor payments), seems to provide a human element which maintains the interest of members. A vague suggestion here that it might be otherwise with another type of member who would wish to confine himself to policy making decisions only, will no doubt indicate to the Royal Commission that the research team have read their Maud Committee report.

One would have liked to see some comment about the effect of the Council's large membership and that of its committees on the efficient working and decision-making capacity of Birmingham's local government – on how far too much official time was taken up in preparing material for councillors instead of executing decisions. But the research team is to be congratulated on combining an objective professional approach to their task with an understanding, sympathetic and receptive response to the questions with which they were faced.

The value of this study is not merely to the Commissioners, it should be read and read with profit by the managers of every large local authority in the country.

P. H. J.

HUBERT MURRAY: THE AUSTRALIAN PRO-CONSUL, by FRANCIS WEST; *Oxford University Press, Melbourne,* 1968; bibliography, index, plates, end-paper maps; pp. 296; A$7.50.

Sir Hubert Murray ruled Papua, under the Australian Commonwealth Government, from 1907 until his death in 1940 at the age of 78. For thirty-three years he was dealing with the typical problems of a tropical dependency: pacification, inadequacies of staff, the demands of a metropolitan government, the claims of European economic development, as against the obligation to safeguard the interests of the indigenous people, the difficulties of human communication inherent in a cross-cultural situation. So long a governorship produced a large official archive which, with Murray's personal correspondence, has enabled Dr. West to produce, as he claims here, "a scholarly biography". Given the richness of the material, this could have been a significant book, and it is a useful one for evidence as to Murray's opinions on some of these problems of colonial administration.

By normal standards of biography, however, it is limited. West stresses that the biographer's task is to orientate his subject in relation to his times, to "explore the quality and perceptiveness of a man's belief by reference to the world as it actually was" (p. 8), but he is nonetheless content for the most

part merely to state what 'Hubert' thought, without indicating whether it was so in fact. Apart from one revealing remark by W. M. Hughes, there is little use of the precise contemporary comment on a man's character that adds depth to it in reconstruction. West refers to "Murray's understanding of the complexities of native society" (p. 214), but fails to indicate satisfactorily what those complexities were or what evidence there is that Murray understood them. The Papuans indeed appear fleetingly, generally only where they constitute a problem in administration, or as "natives", "boys", with "bad or barbarous customs" (p. 215).

In comparing Murray with other colonial governors – Gordon, Lugard, Cameron-West simply assesses each in relation to a diffuse concept of indirect rule. Solid comparative work might have led him to a more substantial conclusion than: "The main difference between Murray and other governors is neither Papuan circumstances nor metropolitan resources, but the length of his term of office" (p. 275). If Murray is to be compared with Gordon – as West, despite the generation gap does compare him – then it is not beside the point to note that, unlike Murray, Gordon did not believe the people he ruled were inferior to Europeans, did not advocate applying English law to them, and was never in the slightest doubt that European and indigenous interests were almost invariably antagonistic. West gives very inadequate attention to the first Governor of the territory, and Gordon's *protégé*, Sir William MacGregor, who might with reason have felt that he, not Murray, had "faced the initial task of colonial government: the establishment of government control and of law and order" (p. 265).

The book is loosely written, at times to the point of incoherence, with an astonishing number of unattached participles (e.g., pp. 16, 88, 90, 161, 264), and is ill-advisedly pretentious. To write (p. 9), "The price of good history is eternal vigilance in elementary chronology" and then (p. 270, on a page preceding another reference to the value of a "chronological exercise") to betray an elementary ignorance of the chronology of "Sir Everard Im Thurn and his successors" as governors of Fiji which seriously affects the argument being advanced, is a little unfortunate.

DERYCK SCARR

A GUIDE TO TASMANIAN GOVERNMENT ADMINISTRATION, by R. L. WETTENHALL, *Platypus Publications, Hobart*; pp. i–xii; 341; A$ 6.50.

This volume is precisely what its title suggests; it is a comprehensive, matter of fact and heavily factual description of the political and administrative structure of the government machine in Tasmania. In his foreword the Premier of Tasmania says that "this is the first time that an attempt has been made to classify and describe the various departments, commissions and instrumentalities" of Tasmania. The author says that he embarked on the book originally as a teaching aid for his students in the Department of Political Science in the University of Tasmania, but that the book may also prove useful to administrators, politicians and those whose interests bring them into contact with the government. In fact the Premier describes the volume as a most useful reference work for members of the Civil Service and others concerned with the State's public administration in one way or another.

The author also sets out to illuminate some of the difficulties in the classification of administrative bodies. He has given much attention to this problem and tries to offer a constructive solution in the presentation of his material. There are two charts on pages 18-19 and 21 which offer an interesting rationalization of the relationship of Ministries to the administrative categories of the various offices and agencies. These problems are dealt with in Part I of the book which also provides, by way of introduction, the constitutional background. Part II is the major part and provides a description of each Ministry, its responsibilities and dependent agencies and bodies.

The third and last part of the book is shorter and deals with "Other Areas of State Administration". Three areas are dealt with in this part: the administrative services of parliament, municipal administration and the University of Tasmania. These areas have one characteristic in common – they are all independent in some degree of government administrative control. The question arises whether they should properly be included in a book on "government administration". There is a case for the inclusion of the first two, but the inclusion of the University albeit a "State" University created by act of parliament raises considerable doubt. The University does and should enjoy a proper degree of autonomy. It receives no administrative direction or guidance nor is it in anyway staffed by civil servants. It is of course ultimately answerable to the parliament which created it and which by amending the University act could alter the present and universally accepted proper independent status of the University; however this is a matter of ultimate constitutional control, not an administrative link between the University and the Government. The University certainly seems out of place here. Nevertheless, having said that, I must add that there is an informative section on the University which though brief provides some interesting historical facts.

This book is essentially descriptive and is in no sense an essay. It deals with institutions not their problems and offers fact rather than comment. It records the lack of a Hansard for either the upper or lower house but does not discuss the propriety or the disadvantages of this state of affairs. It describes the boards and the acts governing the civil service but does not assess its effectiveness nor the advantages that would flow from a more elastic recruitment policy which might make the service attractive to good graduates. The book is in fact what its title claims – a guide, and as such it not only breaks new ground but does it well. The author has rendered a final service by the provision of an adequate general bibliography and the addition of a useful booklist with each important chapter.

GEORGE CARTLAND

RURAL LAND ADMINISTRATION IN NEW ZEALAND Ed. J. BRUCE BROWN; *Oxford University Press for the New Zealand Institute of Public Administration*, 1967; Pp. 128; 20s.

As the economic structure of New Zealand is largely based on land resources, it was fitting that the New Zealand Institute of Public Administration should select "rural land administration" as the theme of their 1965 Convention. This book comprises the six papers read to the Convention by

experts in their own fields. They record the past history of land administration in New Zealand and give an account of land tenure and the title system with its compulsory registration. There is then a critical look at land use in the best long term interest of the country as a whole, and this is followed by consideration of the economic and financial factors associated with land administration. In conclusion there is an appreciation of planning in land use. Each paper was limited to one hour and so certain aspects of the subject have not received the consideration they deserved. Nevertheless the book is a useful contribution to the record of land administration in New Zealand and can be commended to all those who want a practical and informed appraisal of some of its problems, past and present.

S. R. S.

Other Books Received

FEDERALISM AND FISCAL ADJUSTMENT, by R. J. MAY; *Oxford University Press;* appendix & index; pp. 192; 55s.

An addition to recent books on Federations, mostly concerned with constitutional and political aspects, now comes a new-look approach by R. J. May, who with a personal banking background, has produced a remarkably comprehensive and readable study of the fiscal aspect of Federations. The net has been cast wide: Europe, the Americas, West and Central Africa, Asia and the Caribbean all receive scrutiny. The author emphasises the individuality of the Federations concerned and the difficulty in making any generalizations or attempting to sketch a model Federation. As he concludes "... financial arrangements in a federal system are an inherent part of the system as a whole. If, on the one hand, the political environment is not consistent with the maintenance of federal government then it will be impossible to formulate a viable system of financial relations; if, on the other hand, financial arrangements exhibit centralist tendencies without accompanying political instability this is not a fault of the system of revenue allocation but rather an indication that the nation has achieved a closer integration".

POLITICAL INSTITUTIONS OF WEST AFRICA, by J. H. PRICE; *Hutchinson Educational;* map, index, bibliography; pp. 266; 17s. 6d.

WEST AFRICAN GOVERNMENT; by E. A. KEAY & H. THOMAS; *Hutchinson Educational;* pp. 183; 9s. 6d.

Mr. Price was formerly at the University of Ife in Western Nigeria. He has produced an admirable textbook covering Anglophone West Africa (including Liberia). An introductory chapter provides the constitutional background up to 1945, constitutional and political developments in the subsequent "independence" decades follow, and concluding chapters on the Judiciary & Public Order, the Public Service, Public Finance and Local Government help to give a well balanced overall picture of the existing systems of government.

Messrs. Keay and Thomas have provided a useful students' text-book on the machinery of government in Nigeria, with chapters as well on other parts of anglo and francophone West Africa.

A YEAR BOOK OF THE COMMONWEALTH, 1969; *H.M.S.O. London;* appendices, index, map; pp. 786; 67s. 6d.

This admirably produced and modestly priced Handbook to the Commonwealth contains a wealth of information covering all commonwealth countries – independent, dependant and associated. Besides the useful data usually included about individual countries, there are *inter alia* sections dealing with constitutional developments, diplomatic representation (including names and addresses), the Commonwealth Secretariat, regional organizations, Commonwealth societies, trade and other statistics.

FOREIGN INVESTMENTS AND INTERNATIONAL LAW, by GEORG SCHWARZENBERGER; *Stevens, London,* 1969; Tables, bibliography, index; pp. 237; 78s.

Professor Schwarzenberger now adds to the list of his notable works on International Law, what will surely be a standard text book on Foreign Investments.

The author points out that the real difficulties lie not in ascertaining the relevant rules of International Law but from the "lack of provision for the, if necessary, compulsory ascertainment and analysis of the legally relevant facts by an impartial authority

and the enforcement" of these rules. He goes on to describe the object of his book as three-fold:

"(1) to explore how these difficulties have been met in British practice;

"(2) to analyse and evaluate the contribution made by multilateral efforts of recent years to the more effective application and enforcement of these rules;

"(3) to respond, from the angle of International Economic Law, to the call sent out by the United Nations Conference on Trade and Development to study the various aspects of foreign private investment, with particular reference to developing countries."

Few will doubt that the objectives are admirably achieved in the subsequent chapters.

RESTATEMENT OF AFRICAN LAW, KENYA I: MARRIAGE AND DIVORCE, by EUGENE COTRAM; *Sweet & Maxwell*, 1968; glossary, bibliography; appendices & index; Tables; pp. 213; 78s.

The author sets out methodically the main features of customary law covering marriage and divorce, in respect of fifteen tribal groupings in Kenya. The information provided must have been invaluable to the Commission under Judge Spry which the Kenya Government set up in 1967 with the object of seeking a new comprehensive and, if possible, uniform marriage law for the whole country and all its citizens. The Commission reported in 1968 and provided a Draft bill on the lines of its recommendations. The decision of the Kenya Government over the final form that the new marriage legislation will take, is now awaited.

LAW IN AFRICA: No. 27, PROBATE AND ADMINISTRATION IN KENYA, by H. E. AMROLIA; *Sweet & Maxwell*, 1968; Index; pp. 142; 30s.

Once more the Law in Africa series plugs a gap with a volume covering a field ill-served with text-books. Mr. Amrolia has provided the legal profession concerned with practical notes on the laws affecting Probate and Administration in Kenya.

A GUIDE TO THE LAW AND PRACTICE OF COSTS, by BRIAN W. HARVEY; *Sweet & Maxwell*, 1968; pp. 36; 17s. 6d.

Nigerian Practice Notes No. 5 provide an invaluable practical guide to the correct determination of legal costs – of wide implication in Nigeria, where as in other parts of anglophone Africa there is no professional division as between solicitor and barrister.

THE AFRICAN LAW REPORTS, MALAWI SERIES VOL. 1: 1923-60; General Editor, ALAN MILNER; *Oceana Publications, New York*, 1968; index and case list; pp. 1004; $35.

Admirably produced, The African Law Reports under a distinguished international advisory board and a strong editorial team, now present the first volume of Law Reports from Malawi (Nyasaland during the period covered). This series will no doubt prove of great value to law libraries and law schools, to bench and to bar, throughout anglophone Africa. It is to be hoped that future editions will list all books in the series which have already been published.

A GUIDE TO THE FORM AND DRAFTING OF CONVEYANCES, by P. G. WILLOUGHBY; *London: Sweet & Maxwell, Lagos: African Universities Press;* index; pp. 55; 17s. 6d.

This is a handbook that should prove invaluable to all those in the legal profession concerned with conveyancing in Nigeria.

NOTES ON THE PENAL CODE LAW OF NORTHERN NIGERIA, annotated by S. S. RICHARDSON; *Gaskiya Corporation, Zaria;* bibliography & index; pp. 312.

This third edition has been considerably revised by Mr. Richardson with additional notes provided, covering prominent cases reported between 1963 and 1967. These notes provide an invaluable guide to all those concerned with the criminal Courts of Northern Nigeria and to students and teachers of Nigerian law. In Nigeria copies are available from the Government Presses and in England from the Crown Agents.

TANGANYIKA, THE DEVELOPMENT OF ITS LAWS AND CONSTITUTION, by J. S. R. COLE and W. N. DENNISON; *Stevens & Son Ltd.*, bibliography, tables, index; pp. 339; 35s.

This is volume 12 in The British Commonwealth Series, first published in 1964 and now re-issued in Paperback. A clear picture is provided of the constitution, judicial structure and legislation in being when Tanganyika became independent in 1961; the authors also draw attention to some of the legislation subsequently planned, drafted and enacted.

It is to be hoped that a new volume will follow in due course to describe the many changes in the constitutional and other spheres that have taken place during the 1960s – Union with Zanzibar creating Tanzania, the new East Africa community, the *de jure* One Party State, the legal effects of the Arusha Declaration, etc.

THE CHALLENGE OF DEVELOPMENT; *East African Publishing House*, 1968; pp. 147; (EA) 15s.

This volume contains the papers and conclusions of the Conference on Development held in Nairobi in 1967 and attended by representatives of 17 African countries. One particular recommendation may be noted here: "with a view to minimizing the costs of research African Governments should collaborate to the greatest possible extent at the sub regional and regional levels in the field of science and technology".

THE ECONOMIC SYSTEM OF SIERRA LEONE, by RALPH GERALD SAYLOR, *Duke University Press, U.S.A.;* bibliography & index; pp. 231; $10.

This volume is No. 31 in the Duke University Commonwealth Studies Centre series. The author concentrates his attention on the period 1950–63 and while there has been major political change since his study was undertaken, there remains much useful information collated here that should still be of value to the economic planners of Sierra Leone.

ZAMANI, A SURVEY OF EAST AFRICAN HISTORY, Ed. B. A. OGOT and J. A. KIERNAN; *East African Publishing House;* index; pp. 407; 21s.

HADITH 1, Ed. BETHWELL A. OGOT; *East African Publishing House;* index; pp. 172; 10s.

Professor Ogot is to be warmly congratulated in collating under his editorship the diverse historical essays contained in these two volumes. *Zamani* will doubtless become a standard textbook in East African secondary schools upwards, providing as it does a broad picture of East Africa from pre-history to the Colonial era, to that of Independence. *Hadith* (used, as Professor Ogot points out, for History and *not*, as commonly, for myth or legend) is basically a Kenya history book with its studies varying from the mosques of Mombasa to pre-Twentieth Century facets of tribal life, to the development of history syllabuses.

It is to be hoped that Professor Ogot will guide his colleagues to an objective study of tribal history: Allan Jacobs on the Masai indulges in too much special pleading, and one is surprised to find him suggesting that the Arusha of mount Meru were commonly regarded as being Masai (nor indeed were the Arusha Chini along the banks of the Kikuletwa).

RECORDING EAST AFRICA'S PAST, by ANDREW ROBERTS; *East African Publishing House*, 1968; pp. 22; (EA) 3s.

Andrew Roberts has provided a short, useful guide for the use of amateur historians in East Africa.

AFRICA, BACKGROUND FOR TODAY, by ROY MACGREGOR-HASTIE; *Abelard-Schuman;* illus; index; pp. 193; 21s.

The author provides a pleasantly written background story of Africa for young readers, which should stimulate their interest in the continent and encourage their further reading and study of Africa as they grow older.

THE EARLY STUDY OF NIGERIAN LANGUAGES, by P. E. H. HAIR; *Cambridge University Press*, 1967; pp. 110; bibliographies, map, index; pp. 110; 50s.

Published in admirable form by C.U.P. in the West African language monograph series, these three essays on Yoruba, Hausa and Kanuri, and the languages of the lower Niger and Benue will fascinate all students of Nigeria; much of historical interest is recorded including material on that great West African – Dr. Samuel Crowther.

A MENDE-ENGLISH DICTIONARY, by GORDON INNES; *Cambridge University Press;* pp. 155; 100s.

Mende is the principal indigenous language of Sierra Leone and the author and publishers are to be congratulated in providing this admirably presented dictionary.

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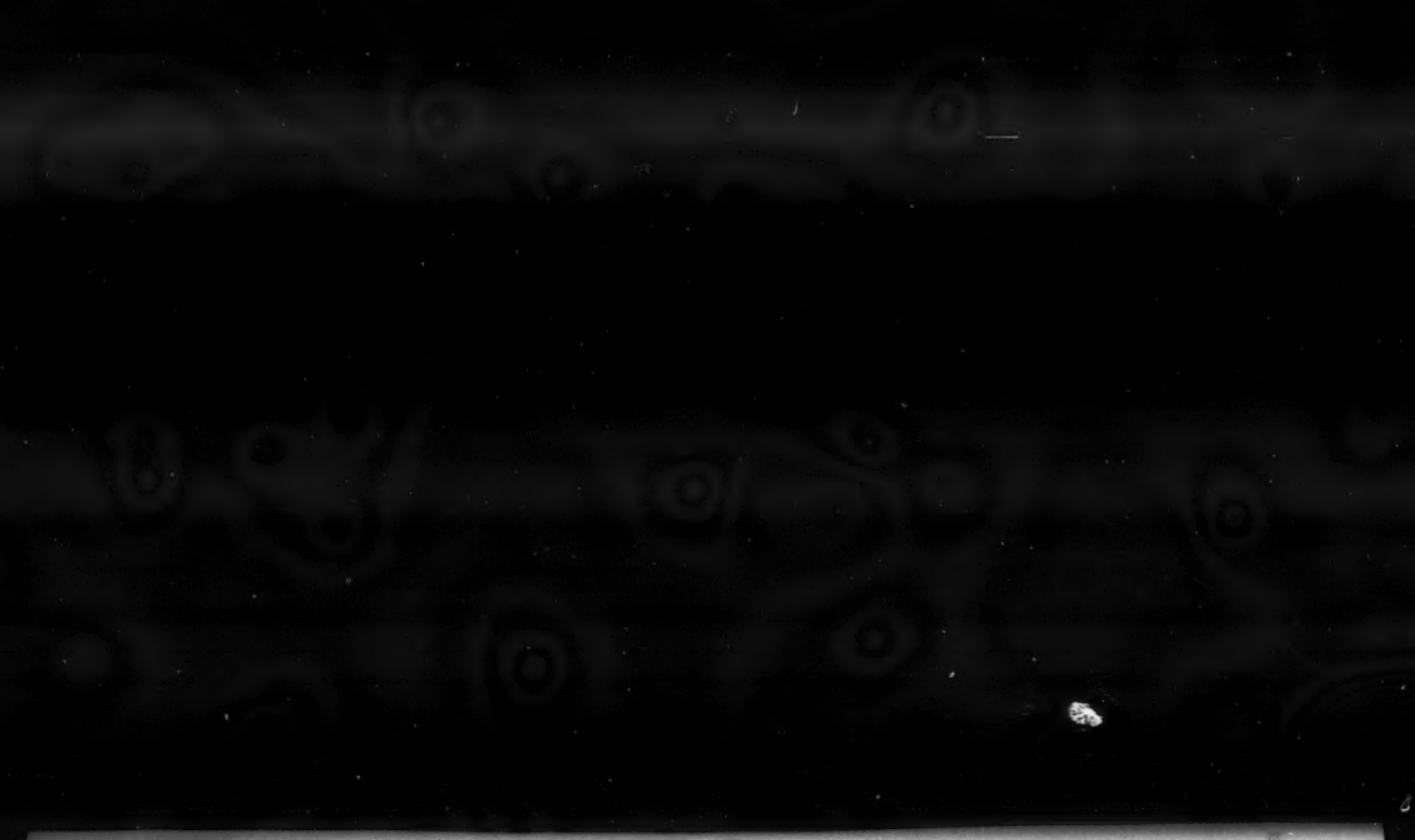
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